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HISTORICAL DISCOURSE IN THE LEGITIMATION OF ESTONIAN POLITICS: PRINCIPLE OF RESTITUTION

MARGARITA ALEKSAHHINA

The Baltic Republics—Estonia, Latvia and Lithuania—underwent in 1987-1991 a nationalist reawakening. Initially in support of Gorbachev's reform agenda, the nationalist movements in Estonia managed to gain support for the nationalization of society, politics and culture. Why were these movements able to mobilize support for self-determination so quickly and why was the counter nationalist movement suppressed so effectively? What differentiates a nation from any other form of community and from other nations is the way it defines itself in order to achieve its goals. This paper discusses the construction of historical narrative focusing on the principle of restitution, which is used in order to consolidate the elites and mould the majority group ideology. A core element of discourse is the term 'occupation' that plays a crucial role in the legitimization of nationalizing politics. In order to explain these processes regarding the 'invention of nationhood', the concept of *'nation and narrative'* is used. In the following study, I examine how national narrative is constructed and reconstructed according to the principle of restitution. Secondly, I explore how this principle legitimized the inclusion of 'Russians' who are a 'historic' minority. And finally, I examine how terms such as 'occupation' legitimize the policy of exclusion. The paper is based on results from a PhD research project in Political History at the University of Leipzig. The author has conducted historical—sociological analysis using qualitative and quantitative data from official documents, legislation, and statistics. Discourse analysis was performed on official documents and information from the daily press.

Concept and Questions

Though historians have long dominated the field, the study of nations is not confined to a single disciplinary perspective. [1] Therefore, there is no agreement among scholars about the relationship between nations and nationalism to ethnicity on the one hand, and statehood on the other. American sociologist Rogers Brubaker defines the nation "...as practical category, institutionalized form, and contingent event." He claims that in order to understand nationalism, "we have to understand the practical uses of the category 'nation', the ways in which it can structure perception, uniform thought and experience, organize discourse and political

[1] As 'nation' and 'minority' are not seen here as something existing *per se,* but as practical categories for structuring perception, the quotations marks for 'nation' and 'minority' have further been omitted for the convenience of the reader.

action" (Brubaker 1996, 7-8). However, attempting to use only one analytical approach to explain Estonian nationalism is difficult. It does not fit the Estonian example very well as a model of how statehood and ethnicity relate both to each other and to discourse. While some research to date has drawn attention to the survival logics of nation-building in Estonia, others represent the concept of a 'return to Europe'. The Estonian boundaries are not constructed merely in terms of political and cultural superiority, but also through the restitution concept with regard to the definition of the citizenship. Using the restitution concept to define citizenship, results in the determination of Estonian nationalism in ethnic and cultural rather than *civic* terms (Smith 1994, 3 135). The emphasis on the concept of restitution as a key element of Estonian nationalism is, undoubtedly, not entirely novel, it has, however, not been examined closely in relation to the construction of historical narrative and its use in the establishment of political and cultural borders. In order to explain how political action is organized through discourse, the concept of 'narration and nation' is used. This concept points out the cultural representation of the ambivalence of nation by establishing different positions across frontiers of history, culture and language, and by evoking some particularly historical memories. According to this approach, the narration of nation serves one side by consolidating the nation and, at the same time, brings periods of disavowal, displacement and exclusion for a minority (Bhabha 1990, 1-7).[2] The aim of this article is, therefore, to show how the construction of a historical narrative structures perception and organizes discourse and political action. Combined with the approach of narration of nation, I also attempt to offer some new insights with regard to the ambivalence of cultural representation and the constructive/ deconstructive power of nationalizing discourse. In this article, I argue that the symbolic connection of history and the past with politics powerfully influences public discourses, consolidates the nation and legitimizes exclusive minority policies. Restitution discourse legitimates, in terms of decolonization, the political exclusion of a majority of 'Russians' from citizenship in order to lay titular claims to special rights and privileges as a nation.[3] A core element of discourse is the term 'occupation' that applies to the forceful incorporation of the independent Baltic States into the Soviet Union in 1939/40. In order to explain how this discourse has been formed, I provide insight into the subject using a two-level analysis. On the one hand, attention is paid to the historical and political aspects, while, on the other hand, the way in which the perception of history has become a narration of nation

[2] More closely see Bhabha, H. Introduction: Narrating the Nation. In *Nation and Narration*. London: Routledge, 1990, 1-7.

[3] I use the term 'Russians' for both ethnically defined Russians and Russian assimilated non-Russians in order to stress the exclusive power of the Estonian national project. Collective ethnic rights are guaranteed by the Law on National Minorities 1993, but this aspect, the preservation of the collective rights of ethnic minorities, is not considered here.

in order to structure political action is explained. Consequently, the nationalizing strategies, and the domestic consequences of their implication are shown. Finally, I discuss the conceptualization of the Soviet 'occupation', a notion that most 'Russians' in Estonia are less than willing to consider. Only internal factors are stressed here, such as the content of national ideology, the practical effect of nationalizing strategies and the cultural contest for the perception of history. The geo-political dimension is not discussed here, but it is kept in mind. Russia has recently provided some evidence suggesting that the integration of Russians and the Russian-speaking population in the new societies of the post-Soviet world is almost impossible, particularly if it requires a change in historical perspective. Moreover, it could be dangerous to rewrite history(s), especially if radical nationalists in Estonia are steadily re-contesting the national project.

Historical and Political Context

Estonia has a landmass of 45,000 km^2 and a population of nearly 1.5 million. From the early 13th century, Estonia experienced seven centuries of outside rule by Denmark, the German Teutonic Knights, Poland and Sweden. Speaking of 'Estonia' in such a historical context is however misleading, as neither Estonia, nor the other Baltic states existed on the political map before 1918. While the upper class was German landowning nobility until 1918, Estonians were almost exclusively peasants, so that social structure coincided with nationality.[4] During the Northern War (1701-1721) between Russia and Sweden, Russia captured the Baltic territories from Sweden. During Russian rule, Estonia was not assimilated into the Russian Empire, but enjoyed political and economic autonomy. The social structure remained largely unchanged up to 1918: The German nobility had reaped the benefits of their status and Estonians were exclusively peasants under Russian rule. German intellectuals contributed to the development of Baltic education and, thus, to the awakening of the national movement at the end of the 19th century. After the October Revolution of 1917 in Russia, Estonia proclaimed its independence on 24 February 1918 and defended itself against Soviet forces, German Freikorps and White Russian troops who had relocated to Estonia in order to fight against the Soviets. The land reform implemented between 1919 and 1922 led to the establishment of smallholdings and the consolidation of Estonian parliamentary republicanism that was exercised through the 100-member Parliament, the *Riigikogu*. On 2 February 1920, a Peace Treaty was signed in Tartu between Soviet Russia and Estonia. In accordance with this treaty Estonia became an independent state, which in 1921 was accepted as a member of the League of Nations. In 1925

[4] It should be noted that the term 'nationality' in European research discourse means state and national membership, while this term in the post-Soviet understanding means ethnical ancestry coinciding with a particular territorially-defined nation.

the *Riigikogu* adopted a Law on cultural autonomy allowing minorities—Germans, Swedes, Russians and Jews—to raise funds for cultural needs and support their institutions. Estonia developed industry and became an important European agricultural exporter after 1934 (Hope 1994, 56).[5] Despite this somewhat successful development as an independent state, Estonia did not complete the nation-building process during the interwar period. The country suffered from a shortfall of democracy, which led to the collapse of the parliamentary system. This was evident from 1934, as an economical crisis threatened to destroy the livelihood of farmers and the petit-bourgeoisie, and the government became increasingly conservative, as the weak executive made it impossible to manage economic recession. Non-socialist parties had a clear majority in *Riigikogu* whereas right-wing national parties were not able to prevent the deepening of the urban-rural gap and guarantee national unity (Hope 1994, 61-64). Discontent was widespread amongst the various strata; this gave rise to the spread of national-minded radical political forces. The establishment of an authoritarian regime and the radicalization of the political forces resulted in the absence of national unity, as well as in the disloyalty of minorities. The Russian minority became increasingly loyal to Soviet Russia, because it was both subjected to assimilation, especially after 1934, and suffered from impoverishment. Internal developments influenced the loss of independence, or at least prevented any successful attempt at stopping the Soviet annexation of the country in 1940; but this was not however decisive. It is difficult today to know for sure whether the fate of the Baltic Republics was predictable and whether the annexation by the Soviet Union in 1939/1940, and the later occupation by Nazi-Germany, which in turn led to the 'liberation' of Estonia from Germany by the Soviet Army in 1944, could have been prevented. As Kirby argues, the signing of a treaty in August 1939 allowing the stationing of 25,000 Soviet troops in Estonia was not misunderstood by the Great European Powers of Great Britain and France (Kirby 1994, 74). In his opinion, the Baltic countries had a chance to coordinate their policy and to try to organize a resistance similar to that of their Finnish neighbours, but they remained divided over foreign and defence policy issues. It is actually highly disputable whether this could have occurred at a time of great social upheaval and change at home and abroad due to the growing military power of the Soviet Union and Germany. But Kirby's conclusion, that the government of Päts need not have collaborated with the Soviet Union to the extent to which it did, seems plausible. This gave a pretext for the completion of annexation by the Soviet Union (Kirby 1994, 80).

Framing History

Professional academics are cautious as to whether events in Estonia during 1939/40 should be termed occupation, annexation or forced incorporation into the

[5] Hope assesses the development of Estonia mainly according to the Scandinavian model.

Soviet Union. In contrast, the term 'occupation' has penetrated the intergovernmental level, international organizations and NGOs. But, in turn, there is no definitive agreement among parties. While European elites discuss the Soviet 'occupation', Russia finds this idea unacceptable. For over four decades of Soviet rule, the official Soviet line was that the Estonian pro-fascist regime, hostile to the USSR, was overturned by a popular revolution led by communists and socialists. According to this version, it was the goal of the Estonian people to join the Soviet Union. The tendency in recent academic thought is to emphasize the dominant role of the occupying forces in organizing protest against the government of Päts and the emergence of popular protest demonstrations as a product of Stalinist influence (Taagepera 1993, 61). There is no doubt that, in hindsight, options were constrained by the great powers, and the Estonian government was forced to sign a treaty allowing the stationing of 25,000 Soviet troops in Estonia. But the question of definition regarding the term 'occupation' is not the main issue here. My purpose here is not to justify the rationale of Estonian nation-building—although homogenization is often coupled with modernization and progress—but rather to examine more closely how the perception of history shapes nationalizing strategies and is used for exclusive policies. The approach of restitution and the rhetoric of occupation were a resource of the nationalist movement. But both, the restitution concept and the term 'occupation' were preferable to radical nationalism in Estonia and the main question is really: why did the radical ideas provide a more powerful basis for a new imagination and the consolidation of the nation?

Resources of the Nationalist Movement

Unlike most other nationalities of the Soviet Union, Estonians had the experience and memory of national statehood. It is significant that the first claims rejecting the myth of incorporation into the Soviet federation had been made by the end of the 1970s by dissident groups in all three Baltic Republics. On 23 August 1979, a joint petition bearing 45 signatures was sent to the 40th anniversary of the infamous Molotov-Ribbentropp Pact. The petition demanded that the USSR and the two German states declare the Molotov-Ribbentropp Pact, which assigned the Baltic States to the Soviet Union, as invalid (Shtromas 1994, 106). The changing dynamics of the ethno-social profiles of the population indicated an influx of Russian and other national groups into the Estonian Republic. The Estonian percentage of the population had fallen from 88 per cent in 1934 to 61 per cent by 1989.[6] The influx of migrants from other areas of the Soviet Union was a result of forced Soviet industrialization, which affected social and ethnical plurality. The political domination of the centre, located in Moscow, translated the heterogeneity of the population into a pattern of separate societies, a pluralist society (Kaplan 1993).

[6] Data quoted in Hope, ibid., 52.

Fig. 1. Demographic Composition of Estonians and Russians in 1920-1989 (%). Source: Kirch, A., Kirch, M., Tuisk, T., 1993, 174.

Nationality	1920-1923	1934-1935	1959	1979	1989
Estonians	87. 7	87.8	74.6	64.7	61.5
Russians	8.2	8.2	20.1	27.9	30.3
Other	4.1	4.0	5.3	7.4	8.2

Furthermore, as Brubaker argued, the Soviet system institutionalized categories of nationhood for titular nations of the Soviet republics. But the ethnic heterogeneity of the population within the political-administrative borders of the republics was maintained through ethnic identification in the passport system (Brubaker 1997).

Gorbachev's reform agenda gave rise to the emergence of a nationalist reawakening. A meeting of the Estonian Cultural Unions, which was held on April 1-2 1988, discussed the problem of national identity and the need to protect Estonian culture and the environment. On 30 September 1988, the reform program 'Self-Managing Estonia' (*Isemajandav Eesti*—IME) was published by activists, including officials, journalists and academics (Tiit Made, Edgar Savisaar, Siim Kallas und Mikk Titma), which contained some proposals for acquiring economical independence from Ministries located in Moscow. The appeal for economic reforms was encouraged by the large-scale support of the Estonian population, especially in the light of the economic recession in the Soviet Union. Two days after the publication of these proposals, the Estonian Popular Front (*Eestimaa Rahvarinne*—ERR) was founded as a movement in support of Gorbachev's *perestroika*, but soon became a grassroots-based social movement, that was readying itself for the take-over of the state. As Smith (1994) points out the fact that the Popular Front so quickly became separatist in its aims and was able to gain popular support could be linked both to the way in which powerful national symbols were drawn upon and the material benefits which sovereignty could have provided. The main nationalist resources were the myth of incorporation into the Soviet federation, the economic viability of statehood and the question of cultural self-preservation (Smith 1994, 132). In September, the new leadership of the Communist Party of Estonia (CPE) was elected, and proved ready to accept national-minded demands presented by the ERR and the Cultural Unions. An overlap of membership existed between Estonian activists within the various parties and movements. Many of the initial founders of the Popular Front were members of the CPE—at least one third of all members (Misiunas 1990, 205). The ERR attracted, during the period 1988–1989, no less than 300,000 supporters.[7] The

[7] 300,000 took part in the singing festival (*Estimaa Laul*) on 11 September 1988.

tension was reflected within the Popular Front. On the one hand, there were those who believed in the reforms and called for the introduction of democracy and the transformation of the USSR. On the other hand, there were those who sought independence from the Soviet Union and advocated an exclusivist approach denying the right of post-war migrants to become equal members of the nation. The Popular Front leaders, primarily Savisaar, staked the claim for pragmatic nationalism, that is to say the taking into account of the demographic and social reality of the Estonian Soviet Republic (ESSR). They attempted to assure 'Russians' that minority rights would be guaranteed. The debate concerning gaining independence and future citizenship divided 'Russians'. Part of the democratic minded 'Russians' in Estonia supported the nationalist demands proclaimed by the ERR. In contrast, the 'Russian' communist leaders and managers of big enterprises established a counter nationalist movement—the *Intermovement,* but most of the Russian speaking population remained passive. On 12 November 1989, the Estonian Supreme Council ruled that the vote to join the USSR in July 1940 had been illegal. On 24 December 1989, the Supreme Council of the USSR condemned the Molotov-Ribbentropp Pact, particularly its secret protocols, which condoned the forcible annexation of Estonia, but the thesis of 'occupation' was not accepted by the Gorbachev government. Nevertheless, from the point of view of some groups concerned about the economy this decision could build a basis for compromise and further cooperation with Russia (Bronštein 2004). On 30 March, the Supreme Council, proclaimed a transition period for the restoration of the Republic of Estonia. That decision was maintained by the majority of delegates. Nevertheless, Savisaar, nominated as Prime Minister after the March 1990 Supreme Council elections, was increasingly criticized by radical nationalists for being too accommodating towards both the Soviet Union and Estonia's 'Russians'.

Competitive Nationalist Movement

Some nationalist movements and parties were formed outside official structures. Firstly, a political demonstration took place in 1987 to mark the 48th anniversary of the Molotov-Ribbentropp Pact. This attracted at least 2,000 participants and resulted in the formation of the Estonian Group for the Publication of the Secret Protocols of the Pact. On 12 December 1987, the Estonian Heritage Society (*Eesti Muinsuskaitse Selts*—EMS), an organization with close links to Estonian societies in Canada, Sweden, the U.S.A., Germany and England was founded. Some activists from Émigré—Estonians, such as Rein Taagepera, an American scientist of Estonian birth, coordinated the claims for the restoration. In January 1988, the EMS became the first organization to call publicly for the restoration of Estonian independence. The Estonian National Independence Party was founded in 1988 and started to attract followers radically demanding full independence, but it had little support. On 24 February 1989, the emergence of the Estonian Citizens Committees

(ECC) was inspired by leaders of the Estonian dissident movement and Émigré—Estonians claiming the right to express and formulate the national interests of Estonians. The ECC began registering citizens of the pre-war republic and their descendents, aiming to reconstitute a legal citizenry in order to call for elections to an Estonian Congress (EC). The Estonian Congress would, it was hoped, replace the Supreme Council of the ESSR. By the end of 1989, the ECC had registered approximately 600,000 citizens (out of a possible total of approx. 750,000) and on 24 February 1990, elections to the Estonian Congress took place (Pettai, Hallik 2002).

The ECC and the EC radicalized the debate on independence and became a more forceful movement than the Popular Front as their leaders were ready to formulate the ideology of restitution centred on the denial of any legacy of the ESSR as part of the Soviet Union and no legacy for Soviet era migrants. As a result, Estonia was no longer perceived as a Soviet republic struggling for autonomy, but rather, as an unjustly occupied state, which had the right to full and immediate independence. Thus, the issue of Estonian independence changed its discursive context and was internationalized (Pettai, Hallik, ibid., 510). Although ECC and the EC did not possess much real power before 1991, they functioned as an important forum for the right-wing opposition to the Popular Front controlled government. Later in August–September 1991, its role was much strengthened as in August–September 1991 the Supreme Council and the EC together formed a 60-member assembly to draft a new Constitution (Park 1994, 145). Therefore, it is not surprising that scientific discourse in Estonia pays much more attention to the Estonian Citizen's Committees and the Estonian Congress (Pettai, Hallik, ibid.).[8] The official discourse also reflects this point of view since the parliament's website makes no mention of the emergence of the Popular Front in its representation of the chronology of important political events in the Estonian state, although the movement had many active followers. In contrast, it notes the demonstration of 2000 people against the 48th of the Molotov-Ribbentropp Pact 1987 in Hirvepark in Tallinn, since it suits perfectly the discursive representation of the nation.[9] Internally, the Congress of Estonia attempted to prevent a referendum for independence, because the 'Russian' counter-nationalist movement protested against such nationalizing. The 'Russian' counter-nationalist movement or *Intermovement* is better described as being an internationalist or pro-soviet movement. The *Intermovement* consisted of former members of the military and political staff, assisted by workers from large union-wide firms. *Intermovement* was strongly opposed to the Language Law (1989) and the proclamation of

[8] Understanding processes of ethnic control: segmentation, dependency and co-operation in post-communist Estonia (*Nations and Nationalism* 4, 505-529, 2002).

[9] The Parliament of Estonia, Chronology (Eng.). http://www.riigikogu.ee/?id=34582, 21. 01. 2005.

independence by the Supreme Council in 1990. On 30 March 1990, Russian-speaking deputies in the Supreme Council refused to participate in the vote for independence. On 15 May 1990, nearly 5000 demonstrators attacked the gate leading to the Supreme Council, attempting to force the restoration of the red flag of the ESSR. In contrast, as indicated earlier, approximately 27 per cent of non-Estonians voted in the 1990 plebiscite for independence (Taagepera 1992). The Popular Front leaders strove to keep a balance between radical Estonian nationalists and the pro-Soviet Russian movement until a coup (19-21 August) in Russia changed circumstances. On 20 August 1991, the Supreme Council of the ESSR proclaimed Estonian independence. After the pro-Soviet coup was crushed, Russia recognized Estonian independence on 24 August 1991.

Approach of Restitution: Concept and Citizenship Policy

As indicated earlier, many activists of the Popular Front were members of the reforming wing of the Soviet Estonian state apparatus, including Savisaar. Some nationalist movements and parties were formed outside official structures, but their leaders also represented part of the political leadership of Soviet Estonia (Park 1994, 146). There were, nevertheless, two points which divided the Estonian elites. Firstly, who would formulate a national idea and, secondly, who would lead the reforms. Less than a month after the proclamation of independence, the Estonian commission on citizenship submitted a draft law to the Supreme Council. According to this first proposal, those who were citizens before 1940 were granted citizenship. Others could apply providing they fulfilled two main requirements, namely, competency in the Estonian language and 10 years of residency (Barrington 1995, 735). The member parties of the Congress of Estonia founded a radical nationalist party called Pro-Patria (Isamaa) and won the election in September 1991. They rejected the draft and submitted a new version. 'Restitutionists' insisted on the idea that Estonia should have no obligation to accommodate those who had settled in Estonia during the years of Soviet rule. The 'Russian' community was perceived as being too large and as threatening Estonian nationalist goals. The doctrine of restitution offered an opportunity to define, or more accurately, to redefine the citizenship question, which in turn allowed a majority of the Russian-speaking population, mainly ethnically defined Russians, to be excluded from the political community. Hence, the issue of citizenship in Estonia contains a geo-political dimension as well. The logic was simple: The more Estonia insisted upon pressing minorities to leave or to assimilate, the more European elites pressed Russia to guarantee Estonian security. Lastly, the principle of restoration justified the return of property confiscated by the Soviet regime after 1940, as well as privatization, benefiting one particularly ethnic group: the Estonians. The redistribution of social benefits, such as access to housing, work and welfare benefits, was also important with regard to change and the insecurity of transition.

The Estonian Law on Citizenship (1938, amended 1940) was adopted on 26 February 1992 and readopted in 1995. It regulated citizenship by the principle of restitution, according to which only citizens of the state existing before 1940 and their descendants had the right to apply for Estonian citizenship.[10] Thus, there was no automatic citizenship for the Soviet citizens who had arrived in Estonia during Soviet rule, or who were born of parents who came to Estonia during this period. Instead, they were expected to undergo a naturalization procedure, which includes an oath of loyalty, an exam in the Estonian language, knowledge of the Constitution and citizenship legislation, a two-year permanent residency requirement, followed by a waiting period of one year. The time period for permanent resident was to be calculated from 30 March 1990 + 1 year after applying (2+1). Non-citizens could, thus, be eligible to apply from 30 March 1992 and would have then received their citizenship by 30 March 1993 at the earliest (Brubaker 1992, 282). It is incredible that a third of the population possessed no right to decide about the new Estonian Constitution. The Constitution adopted in June 1992 stated that the Estonian people had established a state in order to guarantee the preservation of the Estonian nation and its culture throughout the ages (Constitution, Preamble). Nevertheless it is fair to say that the citizenship law had granted automatic citizenship rights to pre-war citizens and their descendants irrespective of their ethnic origin or language knowledge. Accordingly, 80,000 'Russians' had attained Estonian membership automatically. It is notable that in February 1990, registration for Estonian citizenship was also open to post-war migrants before the elections to the Congress of Estonia through the ECC. Approximately 30,000 settlers availed themselves of this opportunity during 1989. Later, they were also granted citizenship of Estonia (Smith 2002, 51). In July 1993, the parliament adopted the Aliens Law, which provided a further basis for the fragmentation of society. Ninety thousand opted for citizenship of the Russian Federation. The rest resisted passively; 32 per cent of the total population or 230,000 persons had been registered as stateless by the Citizenship and Migration Board by 1992.[11] In 1995, the period requirement for permanent residency was extended to five years. Under the Citizenship Law of April 1995, applicants for Estonian citizenship were additionally required to pass an examination that tested their knowledge of the country's history (Citizenship Law 1995, *Riigi Teataja* I, 1995). International organizations tend to accept Estonian citizenship legislation as basically standard, even if they sometimes criticize their implementation. Generally, criticism concerns the complex testing procedure for determining knowledge of the language that citizenship candidates are subjected to, and the control measures which seek to prevent the use of Russian in the private sector. Social and political disadvantages seem to be of less concern,

[10] Since 1998, children born of stateless parents in Estonia can also apply for citizenship.

[11] Citizenship and Migration Board, CMB Year Book 2003, http://www.mig.ee/eng/CMB/.

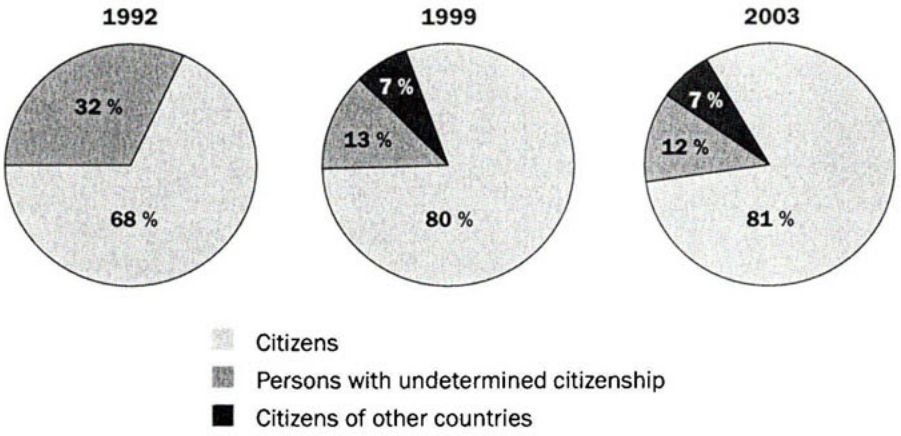

Fig. 2. Distribution of the Estonian Population by citizenship. Source: Citizenship and Migration Board.

since nationalizing strategies are seen as being the rationale of nation-building. In fact, the language laws made it possible to drive a socially divisive line between two ethnic-cultural communities, as many monolingual Russian-speakers were confronted with the prospect of learning Estonian or losing their jobs. The Supreme Council of the Estonian Soviet Socialist Republic adopted the first Language Law in 1989, which refused to declare any official status for Russian. However, the law was less restrictive than the subsequent law of 1995, because individuals were given the right to communicate in the public and private sectors in both Estonian and Russian. Subsequent language laws (1995) and their further amendments (1999, 2000) restrict the language domain of Russian to the private sector. Restricting usage of Russian to the private sector and demands for the linguistic proficiency of candidates running for election were criticized by international organizations, such as the Council of Europe (CoE) and the Organization for Security and Cooperation in Europe (OSCE). As EU recommendations and regulations could not be ignored, language requirements were redrafted and re-phrased, without, however, any serious change to the content.[12]

Consequences of Citizenship Policy: Institutionalized Identities

As a result of these nationalizing strategies, a number of institutionalized categories were constructed in order to describe the social status of groups and

[12] More to language laws in: Järve, P. Two Waves of Language Laws in the Baltic States: Changes of Rationale? *Journal of Baltic Studies* 1, 78-109, 2002.

individuals in Estonia. Determination of legal status is the main task of the Citizenship and Migration Board, which was established in 1990. Three main categories were established in order to identify the status of groups and individuals: citizens of Estonia, citizens of other countries and persons with undetermined citizenship or who are considered stateless.

Commission Opinion on Estonia's application for Membership of the European Union indicates complex differences in the personal status of minorities in Estonia, however, it does not make any serious distinction between membership of an ethnic-cultural community or nationality. The Commission considers that around 35 per cent of the population of Estonia accounts for minorities, including non-citizens, notwithstanding that the latter are not usually included in minority categories in terms of European Law. It reports that of the 35 per cent minority population, approx. 23 per cent are mainly of Russian origin and are not Estonian citizens. Eight per cent are Russian citizens and 13 per cent have no nationality (Agenda 2000, 18). The European Commission reported that under the new naturalization procedure (adopted 1995) the number of candidates per year has fallen. The Commission's Opinion predicted that foreign or stateless persons would remain for a long time (Agenda 2000). It appears to be true, because during a ten-year period (1992-2003), only 124,095 persons have been granted Estonian citizenship by naturalization (ibid.).

Political Participation and Social Distribution

As a result of adopting the Law on Citizenship drafted upon the principle of restitution, a large part of the Russian-Soviet population did not have the right to vote or the right to be elected in the parliamentary election of 20 September 1992. Even Russians able to apply for citizenship felt insecure given the political climate. Of those eligible to apply for automatic citizenship (approx. 100,000), only 12,000 had become citizens by June 1993 (Barrington 1995, 736). Non-citizens are denied the opportunity to run for office and form political parties. The Estonian law on local election, however, permits foreigners and non-citizens to vote. Under the voting rights granted to non-citizens in local elections, the 'Russian' minority has representatives on the elected councils of towns. In the Parliament elected in 1992, out of 101 deputies, not a single one had a Russian surname or was Russian by birth. All further legislatures (1993-1995) complicated the naturalization procedure, which was then adopted by a majority of Estonian deputies. Under those who confirmed that they represented the 'Russian' population, there were only 6 deputies in both of the two Parliaments elected in 1995 and in 1999. Therefore, the group's ability to protect itself, by taking part in the decision-making process, is quite limited. An evident gap was indicated between the majority and minority, and the latter are also deeply divided with regard to its members' status. Eric Andersen argues that the redistribution and restitution of property was implemented to the

advantage of the Estonians. Furthermore, Russians are discriminated to a great degree by the Estonian legislature across citizenship and residence permits lines (Andersen 1997). Some commentators state that conditions of transition and closure barriers, such as command of the language, absence of citizenship, vague prospects regarding labour and education could increase the danger of the crystallization of hierarchical ethnic relations in Estonia (Hallik, Saar, Helemäe 2001). As indicated by many authors, the perception of discrimination reinforces identity differences along ethnic lines and citizenship. It was found that in Narva, an Estonian town, which has a nearly 94 per cent ethnic Russian population , 82 percent felt that the Estonian law was unfair (Smith, Aasland, Mole 1994). The identity changing process was indicated by some authors, but this claim seems to be disputable.[13] In the Parliament elected in 2003, there is not one deputy from the political parties claiming to represent 'Russian' minority interests in Estonia. Whether non-participation in parliament as 'Russians' could be seen as a result of the identity changing process and accommodation or a temporary effect of politics remains an open question for further investigation.

The Principle of Restitution and the Term 'Occupation' as Societal Culture

As a result of securing the hegemony of the 'core nation', citizenship rights (political, civil and social) are limited to individuals. Though ethnicity is not decisive in obtaining citizenship, many non-Estonians are excluded from the body politic on the principle of restitution, since the pre-war republic consisted mainly of Estonians.[14] Some scholars define Estonia as an 'ethnic democracy' explaining the uncertain link regarding the Estonian citizenship law to democracy from the point of view of secession and violence prevention (Smith 1994, 189-190).[15] Others suggest the thesis of 'ethnic control', which provides mechanisms for protecting the political dominance of the majority. From this point of view, it becomes a rationale for domination and submission (Pettai, Hallik 2002), notwithstanding the obvious lack of democracy. Within the theoretical framework on democratization it is, nevertheless, seen as being of great concern with regard to the longevity of possible

[13] This point is developed in: Kirch, A., Kirch, M., Pettai, V., Tuisk, T. "Changing Ethnic and National Identities in Estonia". In D. Halpern (Ed.). *States of Mind: American and Post-Soviet Perspectives on Contemporary Issues in Psychology.* New York: Oxford Univ. Press, 1997, 306-314.

[14] The percentage of national minorities of the total population in Interwar Estonia amounted to 12. 3 %; the percentage of Russians of total population was 8. 2 %.

[15] Ethnic democracy encapsulates three features: superior status to the core nation within the national territory, civil—political rights are enjoyed universally and ethnic minorities have certain collective rights. In combining some elements of democracy with explicit ethnic dominance, an ethnic democracy may try to preserve ethno-political stability based on the contradictions inherited in such system.

conflicts. Some scholars advocated a shift from suppressing minority nationalism to accommodating it through some form of multinational federalism (Kymlicka 2003, 7).[16] The question is whether it is possible to construct such a societal culture, to implement this notion of creating a strong sense of common identity and membership for all citizens. The recognition of the need for accommodation led to the drafting of a state integration programme in 1998, which was finally adopted on March 14, 2000 by the state government. The state programme is based on the so-called Estonian model of a multicultural society, which is characterized by the *principle of cultural pluralism,* a strong *common core* and the *preservation and development of Estonian culture* (italics from original text). The main aim of the integration programme is the preservation of Estonian culture, which is to be achieved mainly through Estonian language learning. In this sense, it would seem that the creation of a common identity is being promoted, as a common language might facilitate social and political access to institutions, and participation in societal culture. What is original in this programme is the statement of cultural pluralism, which is defined as cultural diversity. However, we can contrast the statement of cultural pluralism with the approach taken in drafting the document. The preservation of minority cultures is an issue of individual choice and is a matter for the private sphere. That is to say: the main statements were drawn up without the direct participation of minority institutions.

The Common Core

The *common core* consists of general human and democratic values, common state institutions and values based on Estonian history (State Programme 2000-2007). The last point is of great relevance as a strong sense of common identity and membership for all citizens might be provided by the common point of view regarding the concept of restitution and the term 'occupation'. As indicated earlier the last point is a matter of political contestation at the international level and requires re-definition of the term 'occupation'. It seems rather as if it might have a 'polarizing effect', dividing society in Estonia into two camps according to the way in which history is perceived over the long-term. Though Estonian historiography deals increasingly with the issue of foreign policy before the Second World War, it has not changed its official line.[17] The debate, as to whether it was possible to react against the Soviet Union, has been replaced with the thesis of 'occupation'. Thus, the discursive idée or *common core* of the nation is expressed by the Museum of Occupations (*Okupatsioonidemuuseum*), which was established

[16] One might assert that European liberal democracies also entail ethnic tension.

[17] Brüggemann, K. Rezension von: *Enn Tarvel/Tõnu Tannberg (Ed.): Sõja ja rahu vahel. Koguteos, 1. kd.: Eesti julgeolekupoliitika 1940. aastani.* Tallinn: MTÜ S-Keskus, Rahvusarhiiv 2004, in: *sehepunkte* 5, 2005, 15. 12. 2005, http:// www.sehepunkte.historicum.net.

upon private initiative with the aim of investigating both the Soviet (1940-1941) (1944-1991) and German (1941-1944) occupations . The term 'occupation' appears to have become a national symbol, which must symbolize a sense of victimhood and resistance at the same time[18] While its primary aim is to investigate the plight of the victims of the two occupations, the title is, however, misleading. The definition of Nazi German and Soviet totalitarianism as being similar proves to be easily contradicted, as it provides a chance for radical nationalists to claim that Estonians who fought in SS-allied troops or German armed forces should be perceived as Estonian patriots who had defended Estonian independence against the Soviet Army. The debate is then no longer merely political and historical; it is, thus, transferred into the so-called 'monument war', which lasted a year. In summer 2004, some monuments were erected in Estonia, including one in a small village called *Lihula.* According to the media, the monument bore the inscription 'to all Estonians who fought against Bolshevism 1940–1945 and for Estonian independence". This inscription appears to be more than controversial, because the soldier's uniform on the monument's base resembled that of an SS-uniform. This pressed the government to remove the monument, but public opinion was divided concerning the question as to whether the monument should have been removed or not (*Postimees* 03.09.2004, *BNS/DELFI* 30.09.2004).[19] Some radical nationalists clearly did not agree with the government, since some monuments dedicated to Soviet soldiers in Estonia were, in turn, defiled (*DELFI* 09.09.2005).[20] The defacing of monuments to Soviet soldiers led to protests by the 'Russians'. The Russian Party of Estonia, usually passive and recently unpopular, protested against this vandalism and the rebirth of fascism. Cultural contestation between two ethnic groups placed the controversial notion of what defending the motherland in an SS-uniform might mean into the public sphere. Apparently, this debate, led by radical nationalists in Estonia is far from over. Its outcome will depend on the readiness of the European elites to proceed with the discussion of this controversial issue.

Conclusion

This article has outlined the construction of historical narrative in the legitimization of Estonian exclusionist politics. It showed how a national narrative was constructed and reconstructed according to the perception of real historical events which appear to have been highly controversial to evaluate. The Soviet myth of voluntary 'incorporation' into the Soviet Union served as resource to consolidate

[18] See more closely http://www.okupatsioon.ee

[19] "Lihula samba mahavôtmine vallandas rahvarahutuse." *Postimees*, 03.09.2004; "Eksperty: pamjatnik v Lihula provotsyruet konflikty." *BNS/DEFLI*, 30.09.2004.

[20] "Bronzovogo soldata oblily kraskoj." *DELFI*, 9.09.2005.

nationalist elites and provided a powerful discursive ideology for the nationalist movement. The symbolic interconnection of history with the past and politics strongly influences public discourses, consolidates the nation and legitimizes, in terms of decolonization, political exclusion by means of the citizenship law and the language law. It encourages most 'Russians' to lay titular claims to special rights and privileges as a nation. Both pragmatic and radical nationalists represented the Estonian nationalist movement. The testing of the 'correctness' of a certain mode of perception of history became a litmus test for the loyalty of Estonians and Russians. The 'Russian' community was perceived as too large and as possibly threatening Estonian nationalist goals. The doctrine of restitution offered a controversial opportunity to define, or, more accurately, to redefine the citizenship question, which in turn allowed a majority of the Russian-speaking population to be excluded from the political community. In addition, the principle of restitution justified the redistribution of property to the benefit of Estonians. An evident gap was indicated between the majority and minority, with the latter deeply divided with respect to its members' status. The uncertain link between Estonian citizenship law and democracy brought about a recognition of the need to accommodate 'Russians' into the nation. The state integration programme was approved by the government in 2000 and is based on an Estonian model of a multicultural society. The creation of a *common core* has to be one of the main purposes of the integration programme. Since the term 'occupation' is constructed as the main discursive resource for the self-representation of the nation, it seems unlikely that it will become a common theme for all citizens.

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ZHS der UNI Leipzig
Emil-Fuchs Str. 1
04105 Leipzig
E-mail: tarkston@surfeu.de