

## ABSTRACT

### Memory Wars and Metanarratives: the Historical Context of Linguistic Discrimination in Estonia

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In the 20th century, the country of Estonia was decimated, terrorized, and subjugated by the USSR. Estonians continue to redefine their national identity, but the process is complicated by the continued presence of ethnic Russians in Estonia. When 30% of a country's population speaks differently, thinks differently, and was once an enemy that instigated an era of terror, how does it rebuild? Language has been a polarizing issue between the ethnic Estonian and ethnic Russian populations as long as both have been present in Estonia. By investigating trends in language policy, this thesis explores the roots of tension between the two groups. The ultimate goal of the thesis is to provide insight into the pitfalls of post-conflict reintegration and the potential of language policy as a discriminatory instrument.

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MEMORY WARS AND METANARRATIVES: THE HISTORICAL CONTEXT OF  
LINGUISTIC DISCRIMINATION IN ESTONIA

A Thesis Submitted to the Faculty of  
Baylor University  
In Partial Fulfillment of the Requirements for the  
Honors Program

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May 2019

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## INTRODUCTION

The nearly incomprehensible scale of human loss is a World War II experience that is not limited to any single country. Neither is the historical experience of violent Russification unique to one nation. Though Estonia's metanarrative heavily features both experiences in collective memory, it stands out from the experiences of other nations on multiple levels. Estonia's history is defined by suppression, and the country has only been truly independent for less than fifty of the last seven hundred years. The native Estonians have managed to build a cultural narrative despite violent pressure not to do so. In a single decade, they lost nearly 25% of their population to genocide, forced repatriation, deportations, and fear-driven immigration. The demographics were radically homogenized in a brief four-year period, only to have their immigrant population increase to nearly 30% in the next decade. Estonia, whose 1944 population was barely fifteen million, measured its losses in the hundreds of thousands. Today, despite ethnic tensions strong enough to inspire days of rioting, the country continues to define its national identity in such a way that the ethnic Russian residents of Estonia are excluded. Unfortunately, this tension has spilled over to discrimination on the national level.

The original topic of this thesis was going to be how the use of minority languages play a role in international or inter-ethnic tensions. However, initial research revealed that not only was the topic far too broad, and that historical

context led to tension between ethno-linguistic communities and not the difference in language. The same initial research repeatedly mentioned the situation in Estonia, but the material was outdated due to the recent changes. Sources less than a decade old were made obsolete because they did not reflect significant modern developments. Most of the materials that were up-to-date focused on ethnic tensions and left the issue of language as a side note. With plenty of Estonia-specific information in hand, and the revelation of a significant gap in contemporary research, this thesis was the logical product.

The goal of this thesis is to contextualize the recent history of linguistic discrimination and the progress of the civil rights movement in Estonia, especially as it relates to ethnic Russians. As a case study, it will address a gap in research regarding Estonia, caused by recent political developments. Divided into four parts, the thesis was written in a way meant to provide a foundational understanding of the different elements at play and then to culminate in a synthesis of ideas that will provide insight into recent changes in the treatment of ethnic Russians. The first chapter is a literature review which focuses on the topic of linguistic human rights, presents relevant definitions, and explains the reasoning behind using language as the starting point for analysis of inter-ethnic conflict in Estonia. The second chapter presents a brief history of Estonia, highlighting domestic events which effected the demographics and ethnic minorities of Estonia. The third chapter will explore specific instances of linguistic discrimination within Estonia. The project culminates in a fourth chapter which

will combine theory, historical experience, and current events to describe the current state of Estonia.

While metanarratives and memory wars will not be discussed in-depth until the final chapter, knowing their definitions at this point will help to put the relevancy of the information in the next three chapters into perspective. In the context of this thesis, a metanarrative is a social chronicle of the history of a specific demographic collective. It is derived from collective memory, which includes the emotional and personal perceptions of historical events according to a specific group. The phrase 'demographic collective' can refer to many levels of social group. In an American context, there is an American metanarrative, on the national level, but there can also be regional, state-level, provincial, and even organizational and familial metanarratives. Memory wars occur when, within a collective, two subgroups have diametrically opposed collective memories of the same subject. In Estonia, as will be discussed, memory wars between native Estonians and ethnic Russians revolve largely around World War II, the reoccupation of Estonia, and the subsequent events of the Soviet Era.



## CHAPTER ONE

### Linguistic Human Rights

One normally associates the label of ‘extinct language’ with ancient languages – the mother tongues of peoples that died out thousands of years ago. However, in the past seventy years, almost one in twenty modern languages has gone extinct. *Ethnologue*, a survey of the world’s languages, currently lists 7,907 languages spoken today around the world. Of these, 370 have been listed as recently extinct since the first publication of *Ethnologue* sixty-seven years ago. *Ethnologue* defines a language as “extinct” when “the language is no longer used and no one retains a sense of ethnic identity associated with the language” (“Ethnologue,” n.d.). While the extinction of many of these languages can be attributed to the normal aging of speakers and the natural integration of cultures, not all of the cases are so benign. Many of the now out-of-use languages were consciously driven to extinction for political reasons. Rannut claims that the policies of Russification in USSR directly caused the deaths of approximately 70 languages (Rannut, 1995). Considering that these 70 languages count only those that were entirely driven to extinction, how many more were repressed or endangered? Political policies defending linguistic human rights help to prevent the conscious elimination of specific languages. Understanding the relationship between policy and linguistic human rights can ensure a stronger consideration for the protection of languages in the future.

Tove Skutnabb-Kangas defines linguistic human rights as those that protect a human being's right to identify, utilize, and be educated in their mother tongue, as well as their rights to learn at least one official language of their country of residence (Skutnabb-Kangas, Phillipson, & Rannut, 1995). While this definition may seem restrictive to the point of limiting applicability, linguistic human rights are routinely violated on a global scale. This section of the thesis explores exactly what is meant by the phrase 'Linguistic Human Rights,' common theories associated with these rights, as well as ways in which they are infringed upon. Additionally included is a discussion of theories on writing effective language policy.

### *Individual and Collective Human Rights*

Linguistic human rights are bidimensional – they can be either largely individual or largely collective. The following sections discuss distinctions between those two categories, but a brief review of common linguistic terminology and thought will be helpful before moving forward.

Considering the classification of languages that individuals learn, there are three possibilities: mother tongue, second language, and foreign language. One generally learns these languages in a specific sequence. The first language, or "mother tongue", is the first language a child acquires, and it is often associated with ethnic identity. Next, a person may learn a "second language," or "second variety," for use in interaction with a community's linguistic majority. A second language is often the official language of a country. Finally, "foreign languages"

allow one to interact more broadly, beyond the community of an individual.

These distinctions become important when considering that linguistic human rights violations typically concern repression of speakers of a mother tongue, which differs from the official language of a community (Turi, 1995).

### *Individual Linguistic Human Rights*

On the individual level, linguistic human rights include a developmental aspect, and relate to self-identification with and access to a mother tongue. A mother tongue fosters continuity across generations. Impeding an individual's freedom to learn or speak their mother tongue infringes on their right to acquire and maintain a cultural heritage. Protecting linguistic human rights ensures that humans have the right to identify with their mother tongues and have that identity respected by others. They have the right to be educated in the mother tongue, and the right to use it in official contexts. Individuals have the right to learn at least one official language of their area of residence. To negate any of these rights on an individual level would be detrimental to an individual but does not necessarily constitute a transgression against a whole linguistic community. In direct contrast to collective human rights, individual human rights impact the individual and not the entire linguistic community.

### *Collective Linguistic Human Rights*

On the collective level, linguistic human rights have less to do with the rights of individuals and more to do with the rights of ethnic groups. According to

Skutnabb-Kangas, ethnic groups have the right to establish and maintain educational institutions, such as schools and training centers, which carry out administration and teaching in the native language. Additionally, collective rights involve the guarantee of representation of minority linguistic communities in political affairs of the state, as well as autonomy in the controlling internal cultural, religious, education, informational, and social affairs and financial support ensuring that the group has a means to do so.

### *Culture versus Functionality as Value*

One cannot dispute the fact that the ability to speak a language has an inherent value. However, there are two schools of thought as to where the value comes from: primordialism and instrumentalism (Kataria, 2018). Both schools have very different thoughts on the functions of language, as well as justifications for learning new ones.

#### *Primordialism*

The primordial school of thought views a mother tongue as something inherited from one's parents in the same manner as race (Skutnabb-Kangas et al., 1995). One's mother tongue is a mark of an ethnic group and is inherently tied to identity. The wealth of specific languages lies in the shared history and memory associated with the linguistic development of the language, and its relation to ethnic identity.

Considering arguments for language erasure and preservation within this school of thought, thinking of a language as a living entity is helpful. Most members of this school support the belief that a language holds its current form because a unique and irreplaceable history. The contemporary form of a language is the results from the shared memories and experiences of the linguistic community associated with it. These shared memories and experiences cannot be replicated with any other language and are inestimable in historical and cultural value. To extinguish a language would be to extinguish the history associated with it. Because such a history could never be perfectly recreated, the extinction of the language would be an inexcusable loss of irreplaceable historical value. An individual who learns and speaks the language is tapping into that wealth of history and merging it with their identity but is also adding to the development in the language itself.

Some members of this school would assert that language develops independently from its speakers. From there, languages can be evaluated and hierarchized according to subjective observations on different characteristics. Labeling different languages as more 'beautiful' or 'rich' than other languages is independent from assessments of its speakers. However, applying such subjective comparisons to languages is no less problematic than doing the same to cultures. Once languages are ranked relative to each other, it is possible to justify the erasure of some languages in favor of others. These hierarchies of languages are not based on reality or objectively measured metrics, but they have nonetheless been used to justify the hierarchization of peoples, ethnicities,

and cultures, which can lead to extreme persecution and even genocide (Skutnabb-Kangas et al., 1995).

A purely primordial view does not recognize the functionality of a language as a key to its value at all. A strict primordialist does not consider the fact that while identity is an important characteristic to the individual, so too is the ability to communicate with others. If legislation were to promote certain languages based solely on a hierarchy of characteristics, it would not only discriminate against other language communities, but also handicap the entire population. Ranking languages according to subjectively valued criteria has the potential to be incredibly destructive and severely limits the benefits potentially accessed through the new language.

### *Instrumentalism*

The instrumentalists would say that language is nothing more than a method of communication. To compare a mother tongue to race would, in the instrumentalist view, be incorrect. The analogy better suited to this school of thought is that languages are much like hats. To instrumentalists, languages, like hats, can be changed to fit different circumstances (Skutnabb-Kangas et al., 1995). Beyond simply changing languages however, they believe that the individual can acquire language and manipulate linguistic characteristics at will. Not only can ideas be communicated through language, but language is an avenue with which to tap into economic and political power. After all, it is difficult to gain political standing or to make the soundest economic decisions without

being able to understand and negotiate with other major powers who may speak a different language.

Just as with primordialism, instrumentalism can justify both the preservation and elimination of languages. Given that the value lies in the ability to communicate, a language would be considered more valuable if it is more widely spoken. Following this line of thought, languages such as Chinese, English, and Spanish are more valuable to individuals than endangered languages. On a collective level, this would suggest that promoting homogeneity of language within a community is better than preserving diversity as it enables more efficient and consistent communication.

One major shortcoming of the instrumentalist view is that it disregards the emotional and cultural value of a mother tongue. Taken to the extreme, this school of thought would not actively extinguish languages, but it would not condemn the extinction of them – even if it were due to the conscious and aggressive promotion of more widely spoken languages to the detriment to the speaker base of endangered communities.

Of course, very few people would fall strictly into one school of thought or the other. The establishment of legislation promoting or oppressing the right to a mother tongue is a major political move that is usually meant to affect the cultural and ethnic bonds of constituents. However, to dismiss the economic and social benefits of speaking different languages would be dismissing decades of research that suggests its importance. Linguistic human rights protect the value attributed to language by both schools of thought.

The individuals' right to learn their mother tongue and the collective right to communicate and administer in the language protects both cultural history and heritage. By protecting the use of a language, especially on a large scale, it will continue to develop and grow with the new history of its speakers. These aspects of language are those valued by the primordialist's school of thought

The individual also has the right to learn a second language, the official language of their country of residence. In the instrumentalists' belief, this is preserving the individual's right to tap into the communicative advantage of a widely spoken language. The collective right to be represented in a political unit, disregarding membership to a linguistic minority also relates to the school of the instrumentalists. Political units represent sources of social power and influence, and language is a means by which to take advantage of that.

Primordialism and instrumentalism are most relevant to linguistic human rights when considering the sources of linguistic identification and the manifestations (Skutnabb-Kangas & Phillipson, 1995). It is well established that a mother tongue is closely associated with ethnolinguistic groups. Therefore, the source of linguistic identity is primordial. However, when linguistic human rights are impeded, it is a method of oppressing a specific community and limiting their influence. In this way, the manifestation of linguistic human rights is contextual. Linguistic human rights are not challenged to repress ties to linguistic identity, they are challenged in order to limit a group's access to power.



### *Examples of Linguistic Discrimination*

The Russification process was a set of policies enforced by the Russian Empire and the Soviet Union, which lead to the assimilation of national minorities. Often forcefully, non-Russian communities were forced to give up their culture and language in favor of the Russian counterparts. The linguistic suppression could be particularly harsh, and Rannut estimated that Russification was responsible for the extinction of up to seventy languages (Rannut, 1995). While Russification policies may be a thing of the past, the unfortunate truth is that linguistic discrimination still occurs today. This section will describe a variety of examples and instances of discrimination from around the world.

In China, many jobs will advertise job opportunities with a simple stipulation: “proficiency in Chinese preferred”. Even job advertisements that don’t specifically list the proficiency as a requirement often do so under the assumption that applicants will possess the skill anyway. Not only is this stipulation often a coded form of the sentiment “only Chinese nationals need apply”, but it creates limitations for non-Chinese speakers in the larger job market. A survey of job offerings found a negligible number of legitimate positions available to non-Chinese speakers. Additionally, those that were not proficient found recruitment resources to be inaccessible (Hong Kong Unison, 2016).

In the United States, African American Vernacular English (AAVE) is socially coded as an indicator of low social and educational status. As a part of this coding, a speaker is considered to be using “bad” or “improper” English, despite the fact that AAVE has its own unique grammatical, vocabulary, and

accent features (Rickford, 2016). In other countries, diglossia, the ability to switch between two or more dialects of a single language, is considered a norm. In the United States, it is often misinterpreted as an indicator of substandard education or disrespect. This misperception limits job and social opportunities, making this an instance of linguistic discrimination (Cutler, 2010).

In Europe, there are multiple instances in history where a conquering nation has prohibited the use of a local language in administration or education. In the past, English conquerors limited the speaking of Welsh or Irish (Anderson, 2016). In the 16th century, French was spoken by a minority of the residents of France but was nonetheless named the only official language (Anderson, 2016). Unfortunately, these incidents are not limited to medieval history for Europe. In 1946, Scots was officially labeled by the Advisory Education Council of Scotland as an unsuitable “medium of education or culture” (Great Britain & Scottish Education Department Advisory Council, 1946). Spain has restricted the public usage of Basque, Galician, and Catalan in the 20th century (“Spain Moves to Lift Ban on Regional Languages,” 1975). Most Eastern European countries had communities that were impacted by Russification. After the Soviet Union dissolved, the Russian diaspora in Eastern Europe was often subjected to retaliatory policies as countries aggressively promoted their own native languages under the guise of ‘reestablishing’ their previously repressed cultures (Rannut, 1995). Ukraine, for instance, has affirmed Ukrainian as the only official state language, and has transformed its schools from almost entirely Russian-taught to mostly Ukrainian.

On a global scale, language wars led to discrimination that is used as a rallying point for violent action. Kurdish was completely banned in Syria and restricted in Turkey into the 21<sup>st</sup> century (AP, 2009; Skutnabb-Kangas & Bucak, 1995). In Sri Lanka, during a 1983 event known as Black July, hundreds to thousands of Tamils, an ethnic and linguistic minority in the country, were executed (“Black July,” 2018). South Africa continues to apply a de facto limitation to the availability of education in mother tongues, despite studies which have shown a significant negative impact on the quality of education provided to non-native speakers of English (Taylor & Coetzee, 2013).

All of these examples are meant to show that not only does linguistic discrimination take many forms, but it remains an ongoing issue. Banned languages are not a thing of the past, and violence focused on ethno-linguistic communities has been perpetuated by numerous countries and institutions into the 21<sup>st</sup> century.

### *Language in Conflict*

As discussed in the previous section on primordialism versus instrumentalism, the value inherent to languages takes many forms. Discourse on the two schools as they define ethnicity has existed since 1978 – 1979, when the seminal works of either school were published (Kataria 2018). Denying the use of a specific language, beyond being an infringement of rights, has far-reaching and more broadly destructive effects.

When a difference in language coincides with a conflict, it could be tempting to say that it was a contributing factor to those altercations. Language is a significant marker of ethnic identity, which often makes it a rallying point in inter-ethnic conflicts. However, disparities in language usage have never been the determining factor in inciting conflict. Bosnians, Serbs, and Croats all shared a language, but that did not prevent the tensions between the groups from escalating into war. Neither did the shared English language of the Union and the Confederacy prevent the American Civil War. Many countries have diverse language communities within their borders that manage to interact congenially. The presence or absence of differences in language does not dictate whether ethnic conflict will or will not occur. However, tension based on the use of particular languages can be a litmus test for inter-ethnic relations. Stavenhagen wrote that “If and when ethnic hostility or rivalry occurs, there is generally a specific historical reason for it that relates to political struggles over resource and power” (Stavenhagen, 1990). Differences in economic and political power, are the main causes of conflict, not differences in culture and language. The politicization of ethnicity is fundamentally caused not because of differences in heritage, but because there comes a point where ethnic groups are no longer allowed to be different. Once members of an ethnic group are penalized for being different, it will lead to the us-versus-them mentality necessary for fostering conflict (Acemoglu & Robinson, 2012)

External viewers of cultural conflicts tend to misinterpret language as key factor in the conflicts because it is the median through which many other marks

of culture, such as literature, art, music, performance, and traditions are communicated. And since cultural items usually move more freely through communities who speak the original language of creation, to consciously suppress a specific language is also to suppress the heritage of its speakers (Anderson, 2016).

However, language is not just the median through which humans pass cultural media. As an instrumental function, language is also used to pass down information. In *Imagined Communities*, Anderson states that “the conception of the newspaper implies the refraction of even ‘world events’ into a specific imagined world of vernacular readers.” What this means is that access to the same media and news sources, as well as other informational inputs is a significant factor in the cohesion of a ‘community’. When each language community within a country is serviced by different news outlets, each community will be presented a separate blend of tone, subject matter, and bias. The differences in exposure to current events leads to isolation and polarization between groups along language lines. Particularly in Estonia, where the Estonian and Russian language communities are served almost exclusively by different news outlets, the perception of historical events in the two communities has become diametrically opposed. This has directly contributed to the ongoing memory war in a way that will be addressed in the fourth chapter.

Prolonged conflicts of this sort, based around a sense of self-belonging to a community require three things: educated leaders to organize a movement and develop coherency, liberalizing ideas of higher learning, and a perceived external

enemy or conflict (Anderson, 2016). An ethnic group's ability to develop coherence, in both organization and ideals, impacts whether they will be able to accrue power and influence within a governing institution. To consciously oppose the development of that coherence is to lock a specific ethnic group out of the political system. Creating linguistic barriers that prevent individuals from accessing the same level of education or political involvement limits their opportunities to acquire influence and entry to upper level systems. When language becomes the gatekeeping mechanism for accessing equal standing in a community, and no means are provided to overcome language as an impediment are in place, linguistic discrimination is taking place.

All of this is to say that differing languages do not incite conflict by themselves. Languages may become lynchpins in conflict due to their nature as a communicative mechanism. Different media serves different language communities, leading to polarizing ideas and opposing perspectives of current events. Carrying out administration in a language may impede the ability of non-native speakers and their community from participating in political bodies and achieving fair representation and consideration. It is the consequences of having separate language communities which may lead to conflict, not the existence of different languages.

### *Linguistic Human Rights in Legislation*

Effectively addressing the protection of linguistic human rights and preventing linguistic discrimination requires a level of finesse that can be

daunting. Many instances of linguistic discrimination occur because of internal biases and racism among the linguistic majority of a community. Legislation establishes guidelines for the treatment of linguistic minorities, but will not eliminate the bias that leads to discrimination in the first place. A common adage in leadership is “never give an order that you know won’t be followed”, and the same principle applies to passing laws. A piece of legislation that is meant to protect linguistic human rights, but that won’t be followed will not only be ineffective in achieving its own purpose but will also undermine future efforts to achieve similar goals.

Not all legislation that relates to the protection of languages specifically addresses linguistic rights. Linguistic human rights primarily relate to an individual’s or a collective’s right to use languages in some way. There are individuals, primarily of the primordial school of thought, who would argue that linguistic human rights do not end there – that states are responsible for not only protecting, but also actively preserving the culture of their citizens.

To more clearly explain what is meant by ‘preserving the culture of their citizens’, consider the earlier discussion on the wealth of languages. While the cultural value of a language is considerable, the communicative value of languages is often of more value to its speakers. In minority linguistic communities, this is especially true for their second language, as it is usually the language spoken by the linguistic majority. Joshua Fishman, in this line from his article “On the limits of ethnolinguistic democracy,” nicely sums up the issue for linguistic minorities: “Smaller ethnocultural and ethnolinguistic units are obviously

under pressure to re-ethnify and relinguify in the direction of the more powerful reward-systems that surround them.” Most languages are driven to extinction not because they are banned, but because it is exponentially more valuable for all speakers in the community to speak the language of the majority. Speaking the same language as the majority will offer more tangible benefits in the form of additional access to financial resources, influence, and political power. Minority languages will certainly have a cultural value, but rarely provide the same degree of access to financial and political opportunities.

The de facto pressure to integrate is visible in the Russification process – while the USSR did ban some languages outright, one of the more widely spread practices among national republics was to name the language of a nation or ethnos as the official language of a region alongside Russian. While Russian was not the only language for inter-regional communication between the varied peoples across the USSR, it was the most common. Over time, this disincentivizes linguistic minorities to maintain their mother tongue, as favoring their second language (Russian) offers significantly more tangible benefits. This becomes statistically apparent when, as common as diglossia became across the USSR, only 3.5% of Russians were bilingual, while speakers of minority languages were bilingual, with Russian as a second language 70% of the time (Leontiev 1995).

Many times, the speaking community of a language shrinks because the tangible incentive to utilize a second language outweighs the ethnic and cultural incentive of the mother tongue. The school of primordialists would argue that this



decline in language use, and the overall threat to the existence of the language is unacceptable. Further, because the responsibility of preservation of minority languages lies at the feet of the state. Because the state is the most effective entity to do so, it is the state's duty to protect languages and to preserve endangered and struggling languages.

At this point, it is necessary to describe the difference in legislation that is necessary and that which is *enrichment-oriented*. Necessary legislation protects an individual's right to use and learn both their mother tongue and their second language. Enrichment-oriented legislation protects the right to learn and use foreign languages. Skutnabb-Kangas and Phillipson, who explain the differences in their article "Linguistic human rights, past and present", go on to say that necessary rights are "fundamental linguistic human rights", while enrichment-oriented rights are merely "important linguistic rights... but not inalienable linguistic human rights"(Skutnabb-Kangas & Phillipson, 1995). Understanding the difference between necessary and enrichment-oriented legislation helps to establish priorities, which can be vitally important in the uphill process of gaining linguistic human rights for minorities.

The extent of linguistic protections can be described with a five-point continuum: prohibition, toleration, non-discrimination prescription, permission, promotion. Prohibition is a direct attempt to assimilate linguistic minorities by forcing them to use a specific language of the majority. Toleration for a language means that a language is not prohibited – explicitly or implicitly. Non-discrimination prescription means that languages other than the official language

are protected through legislation in which discrimination is explicitly and effectively made illegal by dispelling legal ambiguity and allowing for sanctions. Permission, the next step up, is permission by an institution to use a specific minority language. Promotion, which is meant to maintain a language, involves an institution actively offering tangible incentives for minority languages to be learned and used (Skutnabb-Kangas & Phillipson, 1995). This system of describing linguistic protections is perhaps most helpful as a method of establishing priorities. Linguistic minorities which are prohibited from using their mother tongue are not going to have an effective campaign for protections if they push for promotion before they've even reached a level of toleration or non-discrimination.

Another consideration is the different types of motivations that drive legislation, of which political and socio-economic are the main two. In formerly Eastern Block countries, and other countries with linguistic minorities that were victims of repressive practices, the revival of minority languages takes the form of backlash. In post-Soviet nations, at least, this backlash was against political institutions rather than socio-economic institutions. Educational policy in the USSR usually required that individuals whose mother tongue was not Russian to learn the language. Given that the acquisition of Russian skills was consistent across the country, the members of the linguistic minority were not faced with a loss in socio-economic standing. The push for the revival of national languages was symbolic, representing the struggle of minorities against ethnic and cultural impositions. In these cases, gaining protections for the mother tongue is not a

matter of preserving the speakers' access to jobs and wealth as much as it is to provide legitimacy for their collective identity.

One of the most significant questions relating to human rights is a question of responsibility. Who is responsible for the protection of linguistic human rights? The inclination of most people would be to say that legislation is generally the purview of institutions at the national, regional, and local levels. The different roles that an institution may play in developing language policy can be summed up with three labels: executive, regulative, and stimulatory. Executive in this case means that the institutions are responsible for enforcing any legislation that exists. Regulative functions describe the ability for an institution to assign an official status to different languages and to determine that administration or other official business take place in a specific language. Stimulatory functions involve the indirect regulation of the development and cultures (Skutnabb-Kangas & Leontiev, 1995).

Like many discourses on the division of responsibility with regard to social issues, there are two sides to the same coin. On the one hand, the responsibility for an undertaking should lie on the shoulders of the group that has the power to achieve the end goal. On the other hand, those who stand to benefit the most from an undertaking should be the ones who also invest the most resources and effort. In the case of language policy, the state is the institution directly responsible for passing laws, and therefore the best placed to establish effective legislation. However, the communities that most need reforms in language policy are usually those who are the least able to effectively motivate change. As

previously discussed, linguistic discrimination usually, either directly or indirectly bars the representation of the speaking community within bodies of influence – especially among political units. This is to say that the groups with the most vested interest in reforming policy quickly and effectively are grossly under represented within the body with the power to do so.

Unfortunately, issues do not end there. Minority language communities not only lack the clout to pressure institutions, but institutions often actively resist pressure to pass legislation they perceive to be limiting on their own power. Groups which hold the largest share of political power are at best, neutral on extending legal limits or rights to groups other than themselves. Those who already have power usually have a disproportionate say in the establishment of limits that specifically impact individuals not represented among them. Human self-interest means that groups who hold the power to do so will be much more likely to limit others than to limit themselves.

This asymmetry in influence creates incentive for the demographic in power to continue to establish laws favorable to themselves. While this dynamic doesn't necessarily lead to active villainization of minorities, it leads to a situation in which those in power are able to benefit from legislation at the expense of the unrepresented minority communities. In the long run this does lead to the persecution of minorities as they take collective action to oppose governance drafted and imposed without input from the effected demographic. From the perspective of those in power, especially if they are a democratic system supposedly representing the will of the people, these minority groups are not

trying to regain rights, but to upset a functional system. Rarely does an institution simply decide to offer benefits to others, at a cost to themselves, out of the goodness of their heart.

What is the solution to this asymmetric power dynamic? There is no “one size fits all” prescription for revolution. Obviously, reforms of biased systems are possible – civil rights movements have been successful in the past. The key to provoking a shift in the balance of power is based on taking advantage of times of volatile opportunity in a region. Those turning points are different for every location and time, and almost impossible to artificially incite based on some sort of prescriptive solution. The alternative to a general prescription is to understand a specific system or institution and the unique means by which it can be manipulated to reduce exploitation and discrimination.

The next chapter will focus on the history of Estonia, and the third will focus on a few of the shortcomings of the country’s political and social institutions. An understanding of these specific aspects of modern Estonia will provide insight into the ongoing struggle for equality, as well as to reveal possibilities for improvement.

## CHAPTER TWO

### A History of Estonia

Current events are just as much a product of modern conflicts as they are of history. A history of conflict or cooperation will influence how nations and ethnic groups interact in modern times. While it is not unheard of for groups that were historically enemies to enter an age of alliance and mutual support, the road to such a reconciliation is difficult. For two historically apposed entities to enter into a cooperative relationship requires specific allowances and considerations for the dynamics of the past. The country that is now known as Estonia has a long history of being subjugated. Of the last 600 years, Estonia has been an independent nation for less than 100. During times of occupation and foreign rule, the people of Estonia have been victims of persecution, racism, cultural erasure, and linguistic discrimination. This chapter will focus on the history of Estonia, particularly those events that are most likely to have influenced how the modern country approaches the integration of different ethnic and linguistic groups.

#### *Ancient History – The Settlement of Estonia and Christianization*

Archeological finds show that the initial large-scale settlement of Estonia occurred between 450 AD – 550 AD, the Migration period. During the second half of the 6th century, a climate crisis occurred that led to a catastrophic decrease in settlement of what would become Estonia. A short-term and rapid cooling event,

volcanic in origin, led to agricultural failure and subsequent famine. The massive loss of life was such that Estonia would not return to its pre-disaster population level until the 9<sup>th</sup> century (Tvauri, 2014).

Historians characterize the Pre-Viking Age, 550 – 800 AD, as a period of isolated farmsteads and a rise in population (Tvauri, 2012). The Viking Age, which started in the 10<sup>th</sup> century, was similarly characterized by an increase in plundering which incentivized the dispersed farmlands to consolidate into communities and defensive fort structures. With the establishment of forts, a taxation system as well as social stratification came into existence (Tvauri, 2012).

During the Viking Age, two cultural regions developed in Estonia. The first encompassed the coastal areas and is collectively referred to as Northern Estonia despite also including the western coast and islands. This region had significant overseas contact with other populated regions, as well as a climate and geography well-suited to agriculture. The second cultural area, referred to as Southern Estonia, was the inland portion of the country. Agricultural conditions were less favorable, leading to a greater dependence on hunting and fishing that laid the foundation for a future fur trade. Additionally, Southern Estonia was not as exposed to raids and interregional trade (Tvauri, 2012). The separation of these two regions led to the development of the Northern and Southern dialects of Estonian (Tamm, 2012). While mutually intelligible, the dialects diverged due to the geographic separation of the two cultural regions and continued to diverge until the 19<sup>th</sup> century for reasons to be discussed further in this chapter.

The first documentation of the land known as Estonia and its people was transcribed in the 12th – 13th centuries. Icelandic sagas and Swedish runestones both mention the land of Estonia, but the most reliable reports on ancient Estonian chronology come from Latin and East Slavonic chronicles (Tvauri, 2012). Most of the material regarding Estonia from these sources is better classified as folkloric than historical due to the fantastical elements that most of them contain. The significance of these early references lies in the proof that Estonia was well known to Scandinavians, such as Icelanders, Norwegians, and Danes, as a location that they targeted for both trade and plunder.

Based on The Danish Census book, which divided the ancient counties of Estonia into taxable units called ploughlands, several academics have endeavored to estimate the 13th century population of Estonia. Most scholars put the number anywhere from 100,000 – 200,000 individuals, with the best substantiated assessment, by Enn Tarvel (1966), estimating 150,000 – 180,000 people residing within the borders of what is now modern-day Estonia(As cited in Tvauri, 2012).

### *Livonian War (1558 - 1583)*

During the 14th century, Estonia remained divided into the Northern and Southern regions. The northern coast was called the Duchy of Estonia and was ruled by Denmark. The Livonian Brother of the Sword conquered the southern region, called Livonia, during the 13th century. Livonia included southern Estonia, as well as most of Latvia. The difference in rulers contributed to a significant



cultural divergence between Southern Estonia, which as a part of Livonia, was under the rule of a religious order, and Northern Estonia, which belonged to the Danish King (Filyushkin, 2016). When the Danes sold Northern Estonia the entire region that now makes up modern Estonia became a part of Livonia.

Livonia existed until it was divided up after the Livonian War (1558 – 1583). The circumstances that led to the division of the region included the ineffective military of the Livonian Branch of the Teutonic Order which controlled Livonia, and the desire of several new European monarchies to possess portions of the land. These monarchies included Sweden, Poland, Lithuania, Denmark, and Russia. By the end of the conflict, portions of Estonia had been added to Poland, Sweden, and Denmark, and had also been invaded by Russian forces as far as the west coast.

The Livonian War can, in some ways, be described as a religious conflict. Before the war, Livonia had experienced small-scale raids and attacks from the countries that would eventually become aggressors. The purpose of these raids was not to claim territory, nor to spread religious doctrine. Rather, it was to tie microstates, of which Livonia was divided into many, to existing and far more powerful monarchies (Filyushkin, 2016; Frost, 2000). Once conquered, the portions of Livonia that had been and would be Estonia stayed under the power of Sweden, Denmark, and the Polish-Lithuanian Commonwealth for more than a hundred years. In that time many linguistic and cultural elements from the ruling powers began to be assimilated into Estonian culture.

### *Germans in Estonia*

Until the first part of the 20th century, ethnic Germans comprised ten percent of Estonia's population. Even today, German remains the third most widely spoken foreign language within the country (European Commission, 2012). The first Germans in Estonia arrived as proselytizers during the 12th century, and their increase in numbers can be tied to the Christianization of the region (Subrenat, 2004). Over time, the Germans that settled in what would become Estonia, Lithuania, and Latvia became known as 'Baltic Germans'.

Historically, the ethnic Germans in Estonia ruled as the wealthy and influential elite. By the time that the conquering empires described previously began to parcel out Livonia after the war, society in Estonia had become stratified. Estonians made up the peasantry. The Baltic Germans made up the nobility. Administration was largely carried out in the German language, in large part because there was not a class of educated Estonians who were governing in any significant sense (Bell, 2002).

This stratification occurred because the original German immigrants arrived well-educated, well-organized, and well-funded. As proponents of an established religion, they were supported by a well-established institution and had a common point of origin that united all of them. Though the Christianization of Estonians was successful, the Estonians were almost non-existent in the clergy. However, from the 17th century onward, the clergy were responsible for trying to increase the literacy of the Estonian people by preaching in Estonian and encouraging the reading of the Bible in the native tongue (Frost, 2000).

### *Estonia as a part of the Russian Empire (1710 – 1917)*

In the 18th century, Estonia went from being subjugated by Sweden to being a semi-autonomous province in the Russian empire. While the country was under the rule of the Russian empire, the empire granted the country of Estonia a significant degree of autonomy. However, this autonomy went directly to the governing elite - the Baltic Germans. Rights were given to the German language and the Lutheran faith by the Russian government, and the Estonian peasants became serfs. These language rights did not extend to the Estonian language, and the autonomy granted to the German elite led to a rise in powerful corporations of the nobility. These powerful corporations, including the German Baltic Knights, continued to govern Estonia and to represent it at the Russian court (Wezel, 2017).

The 18th century was also the time of the Enlightenment and national reawakening in Estonia. New ideas migrating in from the west, including those of Rousseau and Herder, who contributed themes of citizens' rights, ethnic equality, and faith in the lower strata. The most visible contribution of the Enlightenment was the establishment of Tartu University. Arguably, the rise of Herder and Rousseau's ideas was the first step in the formation of the modern Estonian nation (Subrenat, 2004). Their discourse introduced ideas that would eventually be foundational in the thaw between the social strata of the peasantry and the elite.

In Estonia, serfs had no right to own land and had to perform a day's unpaid work, called *corvée*, for the lord of their manor. As the Enlightenment progressed, the Baltic Germans began looking at the former Estonian serfs and debating their fate. While many believed that the abolishment of serfdom would naturally lead to the eventual tolerance of Estonians into all social strata by Baltic Germans, another section of society began to actively foster an Estophile movement. In the 19th century the clergy began to establish schools for serfs and commoners that taught in the Estonian language. Additionally, intellectuals began to study and appreciate the Estonian language and the older Estonian folk literature (Subrenat, 2004).

As the old myths and appreciation for the artistic expression of ancient Estonians grew, so did the importance of the 'golden age of Estonian independence' in the Estonian meta-narrative. This Golden Age referred to the era of freedom before Estonia was first conquered by the Swedes and Danes in the 13th century. Baltic Germans previously held the belief that ancient Estonians were wild peoples without organized culture, and this view was fundamentally challenged. Estonia's history, even before it came to be ruled by foreign powers, included organized societies meant to protect communities from the Viking threat (Subrenat, 2004; Wulf, 2016).

Despite the Estophile movement, Germanization was a significant problem in Estonia. Now that the Estonians had better access to education, there arose a class of educated Estonians who were looking to join more prestigious careers. Their access to positions as lawyers, doctors, leaders, and others once reserved

for the elite was contingent on the ability to speak German. Many maintained a dual-character, speaking German in order to better their position, but remaining true to their own Estonian roots personally and socially. The exponential increase in educated, influential, and higher-class Estonians led to the development of a well organized Estonian population that was able to form a cohesive national identity by the end of the 19th century (Subrenat, 2004).

When the German Empire was founded in 1871, Russia began to look at the German elite in Estonia with a more critical eye. By the turn of the 20th century, they began to implement policies of Russification to reestablish a Russian influence and undermine the German influence in Estonia (Wezel, 2017). Estonians had looked forward to Russia suppressing the Germans, perceiving a restriction on the rights of Germans as an opportunity to expand the rights of the indigenous peoples. The reality was that Russification would subvert both German and Estonian culture and language.

Russifying policies began to undermine the use of the Estonian language at school and in the professional setting. The policies were not in place long before the Estonian nationalists, whose ideals had shifted to focus on the goal of autonomous government, sparked a revolution. While initially unsuccessfully, between 1906 and 1918 a series of revolutions and revolts gradually gained concessions from the Russians for the rights of citizens (Wulf, 2016). This process ultimately culminated in Estonian independence on 24 February, 1918.

### *Independence and World War I*

Much like the fourth of July marks when the United States declared independence, and not when its independence was recognized by the sovereign it had seceded from, Estonia was not free from the Soviet Union until the twenty-fourth of February. Ultimately, Russia would recognize Estonia's independence in 1920, but there was an intense struggle between Estonia's declaration of independence and Russia's acknowledgment of that status. The army that Estonia was able to raise amounted to 85,000 men at its peak. However, this included volunteers and forces contributed by proximal countries such as Great Britain and Finland. The final battle of the revolution cost 5,000 men (Walter, 2001). While this number included non-Estonians and can not rival the scale of loss experienced after World War II, a significant portion of the Estonian population was lost in the war with Russia. Between the start of the war and the end, there is an overall loss of about one percent in total population.

In the now invalid Tartu Peace Treaty of 1920, Russia gave up all claims against Estonia for eternity and acknowledged the sovereignty of the Republic of Estonia without reservation ("Estonica.org - Tartu Peace Treaty," n.d.). Unlike the autonomy in the 18th and 19th centuries, which was enjoyed by the German elite, this state of independence meant that Estonia was a sovereign nation. The Estonians elected a Constituent Assembly which carried out an extensive land reform, ratified a constitution, and established Estonia as a parliamentary democracy. It is interesting to note that in 1925 Estonia adopted a cultural

autonomy law for ethnic minorities that was one of the most liberal of its time (Bell, 2002)

### *World War II and Occupation*

Twenty years after gaining its independence, Estonia once again fell under the sovereignty of Russia. As part of the Soviet-German treaty of non-aggression, the USSR annexed the Baltic states. On June 17, 1940, Soviet troops invaded and established their own government, which declared Estonia a Soviet Constituency. Eventually the Republic of Estonia became the Estonian Soviet Socialist Republic (ESSR), or Soviet Estonia.

In the brief time the Soviets occupied Estonia, Estonian sentiment turned violently against them. As part of a process to restructure the Estonian state, there was a massive wave of deportations in 1941 followed by a second wave of terror as dissenters were tortured and killed and property was destroyed throughout the country. The anti-Soviet sentiment was so strong that when German troops were advancing, they were aided by 'forest brethren', anti-Soviet partisans (Wulf, 2016). As the 35,000 Soviet troops remaining in Estonia evacuated the country, pushed out by the invading Germans. The Red army was accompanied by approximately 25,000 Estonians whom the Soviet forces had forced to evacuate. This population of forcibly evacuated individuals were to be deployed with labor battalions and the Red Army, and, eventually, a key asset in eventually recovering Estonia (Subrenat, 2004). The Soviet Union had planned to

use the presence of ethnic Estonians in a re-occupying force to legitimize their actions.

The Nazi occupation was, if not wholly welcomed by the Estonians, perceived as the lesser of two evils. Baltic Germans were still a significant minority within Estonia, so the German occupiers were thought of as distant relations rather than entirely foreign (Wulf, 2016). The forest brethren may have been the first Estonians to actively support the Nazi occupation, but they would not be the last. The occupying forces met little resistance and, as administration began to take over, a significant amount of cooperation.

One of the events of World War II that Estonia was complicit in was the Holocaust. After the terror of the Soviet occupation, many Estonians were willing to do anything to keep from falling under the power of the USSR again. Not only did Estonia purge its own significant Jewish population, but it would go on to lend support in the persecution of Jews in other countries. Additionally, the near total eradication of Estonia's Roma population occurred during this era. Even today, the Roma population remains almost nonexistent (*Report Submitted by Estonia*, 1999). As previously mentioned, becoming complicit to genocide was perceived as the lesser of two evils – a condition not uncommon in the formerly-Soviet territories 'liberated' by German forces. Similar narratives occur in Poland and the other Baltic states.

As part of the German occupation, Baltic Germans were repatriated to other territories in order to prevent further association with the Estonian minority. While the Baltic Germans no longer had an exclusive hold on any part of the



Estonian social structure, this purge of a large minority group left Estonia an even more homogenous country. Afterwards, the population of Estonia was largely composed of ethnic Estonians, Russians, Danes, and Swedes. The Russians present at this time did not experience significant persecution at the hands of the Estonians. They were leftovers from natural immigration to Estonia while it was a part of the Russian empire and perceived as 'estonianized' (Wulf, 2016).

Between Soviet executions, German repatriations, holocaust victims, and conflict-driven emigration, Estonia's population decreased by about ten percent (Kangilaski, Salo, & Okupatsioonide Repressiivpoliitika Uurimise Riiklik Komisjon, 2005). The Estonian metanarrative glosses over German and Estonian contributions to the loss as, once again, the consequences of acting as the lesser-of-two evils. Russians are perceived as the true perpetrator of loss.

### *Modern Soviet Reoccupation (1944 – 1991)*

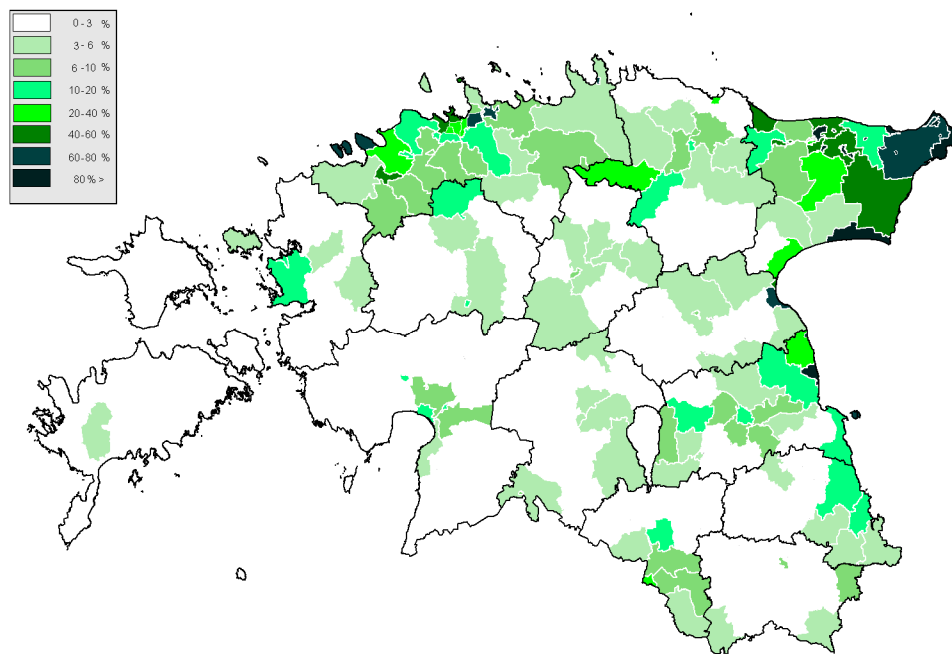
While the Germans were able to reclaim large swathes of Estonia from the Soviet Union during World War II, the Soviets had reclaimed the land by the end of 1944. Battles for the reoccupation of Estonia by the Soviet Union were brutal and set the tone for Estonian and Russian relations throughout its occupation. The Battle of Narva holds a place of particular notoriety in the Estonian metanarrative. Despite the name of the battle, the capital Tallinn was the city that suffered the most destruction. Also known as the 'March Bombing', this month of destruction occurred in March 1944. Russian saboteurs destroyed water pumping stations used by fire brigades (ERR, 2016a). Consequently, the fires

caused by the bombings ended up destroying about twenty percent of the city and ended with a final casualty total of nearly 1,000. Only about ten percent of the casualties were military personnel, the rest being prisoners of war and civilians. Additionally, about 20,000 Estonians were left homeless after the attack. Sources disagree about whether this attack was an intentional attempt by the Soviets to undercut civilian moral. Tallinn was a major military resource depot and harbor for the Germans, but the bombings largely destroyed residences and national landmarks in the city center (“Estonica.org - Bombing of Tallinn in March 1944,” n.d.). Whatever its intended purpose, the bombing has been a focal point for Russian-Estonian tensions.

In the decade after the war, Russia took steps to secure its position in Estonia by removing Estonians from positions of influence and settling Soviet Russian immigrants in the country. By 1953, the majority of deportations had ended, with a total estimated loss of 80,000 Estonians between 1945 – 1953 (Kangilaski et al., 2005). By the end of World War II, Estonia’s population became remarkably homogeneous, with native Estonians making up about ninety percent of its population. However, by the end of 1953, native Estonians represented less than seventy percent of the population. That proportion has remained consistent into the 21st century.

After the radical changes in demography, the political climate began to look vastly different. Public administration was carried out in Russian. The Communist Party held most positions, which meant that most politicians were immigrants and Russian-born Estonians educated in the Stalin-era Soviet Union.

While these immigrants were ethnically Estonian, they had rarely mastered the Estonian language. Native Estonians began to refer to these Estonians with the derogatory name “Yesti” due to their inability to grasp Estonian pronunciation and language. In Estonian, the word for Estonian is “Eesti”, and begins with a vowel commonly mispronounced by Russian speakers as “Yesti” (Wulf, 2016). Native Estonian interests were no longer represented by the governing powers. While Estonians were eventually permitted to reclaim some higher positions of power in the 1950-60s, politics was still predominantly led by immigrants until the 1980s.



*Figure 1 Distribution of the Russian language in Estonia according to data from the 2000 Estonian census.*

*Reprinted from Russian in Estonia, in Wikipedia, n.d. Retrieved April 2, 2019.*

An additional consequence of the Soviet Union’s methods of settling ethnic Russians in Estonia was due to their location. Most Russian immigrants were settled into cities, especially the capital, Tallinn, and cities along the eastern border of Estonia. As displayed in the map above, this resulted in

disproportionately dense populations of Russians in urban settings. While ethnic Russians were thirty percent of the overall population, they were anywhere from fifty to more than ninety percent of the population in occupied cities (*Distribution of the Russian language in Estonia according to data from the 2000 Estonian census*, 2008). Because politics was composed of mostly Russian immigrants, and most Russian immigrants lived in cities, the interests of urban communities were better represented than rural communities and the agricultural sectors in the Estonian government.

The forced collectivization of Estonian agriculture during the late 1940s - 1950s contributed to unrest among the Estonian population. Collectivization was just one of many policies that exploited Estonia's people and resources, and one of the many to prime the population for resentment. Other contentious policies had to do with Russification, censorship, and industrialization. Once again, Russian became the main language of national administration, and of instruction in schools. Pro-Estonian histories were censored and replaced with histories with a more Soviet-friendly tone. There were widespread purges of influential Estonians, including high-ranking politicians. However, the purge also targeted the intelligentsia and decimated Estonia's universities. Historians, journalists, and other carriers of Estonian memory were either eliminated or threatened into producing material more in line with Soviet policies (Wulf, 2016).

Another controversial act carried out under Soviet orders was the dismantling of Estonian cemeteries and graveyards. Both military and significant civilian resting places were removed, though Estonian war memorials were

specifically targeted. Often, Soviet memorials were erected on top of the demolished ruins of Estonian graveyards and memorials. Because of this, war memorials remain fraught with controversy in contemporary Estonia and will be discussed further later in this chapter.

During the 1970s, international contact was once again permitted, which allowed the population of Estonia to access the much more prosperous Finland. Comparisons between the relative prosperity of Finland versus Estonia began to contribute to civil unrest and increasing nationalism. By the time perestroika began, ethnic Estonians had once again begun to rally around language and Estonian identity as an issue. New political parties quickly gained momentum by running campaigns meant to address the systemic problems of Estonian exploitation and suppression. The main parties to consider during this time were the Estonian Popular Front, the Greens, and the Estonian National Independence Party (“National minorities and integration policy,” n.d.-a).

By 1988, enough members of these parties had been elected to the Supreme Soviet of Estonia that they were able to make the organization an authentically regional representative law-making body. By 1990, the first freely elected parliament Estonia had seen in decades had already passed laws reclaiming administrative and economic independence from the Soviet Union, as well as laws reinstating Estonian as the national language. Additionally, the Riigikogu instated residency requirements for voting.

An official Declaration of Independence was sent to the Soviet Union on August 20, 1991 and the independent nation of Estonia was recognized by the

USSR on September 6, 1991. However, Russian military troops remained in Estonia until 1994. It wasn't until the last troops left that Russia lost its leverage within the country and Estonia was truly independent. August 20th remains the day that Estonians recognize as a national holiday: the Day of Restoration of Independence.

### *Modern Estonia*

Once independence was secured, the Estonian parliament, known as the Riigikogu, rapidly instated radical economic changes to transform the Estonian Economy into a market system that reflected economies of the West. Foreign policy since independence has also largely been focused on distancing Estonia from its Eastern ties and strengthening ties with the West. Shortly after Russia acknowledged its sovereignty, Estonia joined the United Nations. Additional efforts for integration with the West paid off when Estonia became a member of both the European Union and NATO in 2004.

Russian-Estonian relations remain tense nearly 30 years after it declared independence. Tensions came to a head in 2007 during an event called The Bronze Night, which serves as a snapshot of modern Russian-Estonian tensions. On April 26-27, 2007, the removal of a Soviet-Era memorial, The Bronze Soldier, from the capital city of Estonia sparked a civil unrest event on a scale that had not been seen since 1991. Mass riots led to the death of one individual, the injury of more than one hundred others, and more than one thousand arrests. The Bronze Night represents a violent expression of the ongoing tension between the

ethnic Russian and ethnic Estonian populations of Estonia. The controversy surrounding the Bronze Soldier itself provides a clear example of how the different perceptions of historical events along ethnic lines have contributed to obstacles preventing widespread integration of minorities into the Estonian community.

To understand how the events of the Bronze Night came to pass, a bit of background on the memorial in question is necessary. The Soviets erected the Bronze Soldier in 1947 on Tõnismägi hill, which was known as Liberators' Square at the time, in the center of the capital city of Tallinn. It was, and still is, a memorial to the soldiers of the Red Army who lost their lives during the push that drove Nazi Germany out of Estonia. In 1947, the memorial was adorned with a plaque that specifically read 'To the Liberators of Tallinn', but this was eventually remade to say 'To Those Fallen in World War II'. The differences between the two different memorials point to a significant difference in perception regarding the purpose of the soldiers which are honored by the memorial.

The twelve soldiers whose graves surround the memorial were part of the 1944 military action in which the Soviet Union forced the German forces out of Estonia. The Russian view of these events is that their forces were responsible for 'liberating' Estonia from Nazi Germany, and that they had broken the ongoing occupation. The Estonian view is that the Soviet Union invaded Estonia and then illegally occupied the country and initiated decades of oppression and terror. The Bronze Soldier continues to be a focal point for the ethnic Russian community in Estonia. A major gathering and celebration occurs around the memorial every

May 9th, Victory Day among Russians, though many Estonians view this event not as a celebration of the end of Nazi Germany, but the beginning of Soviet repression.

Russians also view the Bronze Soldier as a tangible symbol of their right to be in Estonia, a right that was being challenged by the ongoing discrimination and stateless persons issue. In 2007, when the statue was relocated, Russia issued a statement which alleged that the removal was a passive condonement of Nazism in Estonia, as the government had moved a symbol memorializing the defeaters of Nazism out of their central focus.

Since 2007, there has been no civil unrest events that equal the Bronze Night in scale or violence. However, the tensions between ethnic Estonians and other ethnic minorities continue to today. Worries of espionage and split loyalties continue to impede the total integration of ethnic Russians into Estonian society. Recent years have led to the rise of political parties leveraging the issue of Russian integration into a shift in the composition of the Riigikogu. Pro Patria, the Estonian Center Party, and the Social Democratic Party formed a three party coalition in 2016. While the coalition agreement defined their goals over a broad range of political issues, their stance on integration is particularly relevant to this thesis. The coalition's goals on the topic focused on amending past legislation and remedying many of the issues that unfairly burdened Russian-speaking Estonians (ERR, 2016b). The next chapter will focus on past legislation and other issues which impact minority language communities in Estonia.



## CHAPTER THREE

### Linguistic Discrimination in Estonia

In 2008, the Estonian Parliament, known as the Riigikogu, passed an act in response to the European Commission's commencement of infringement proceedings against the country for non-compliance with the Council Directive 2000/78/EC of 27 November 2000. This directive established "a general framework for equal treatment in employment and occupation" and Estonia had yet to comply with said framework (Framework Convention Report, 1995). Despite many independent and international human rights organizations highlighting the shortfalls of the government in relation to the protection of human rights, parliament members were not investing the time or resources into establishing effective administrative guidelines and protective laws. In fact, a few of the laws passed during the first decade of the 2000s directly enabled and perpetuated discriminatory practices across all levels of social, economic, and governmental institutions. However, in just the past three years, 2016 – 2018, many of Estonia's shortcomings with regard to human rights have been addressed. The most overtly discriminatory acts have been amended, resources are being more efficiently invested in the protection of equality, and regulatory measures have been effectively implemented in courts of law to help prosecute discrimination-based crimes.

This section seeks to outline the last two decades of relevant progress against linguistic discrimination. While many of the acts and practices that will be

described here have already been adequately addressed by the Estonian government, the overall process that led to the solution is relevant to understanding the future progression of these human rights issues. By juxtaposing the events of the past with the present situation, conclusions may be drawn on the next steps in the future.

### *Legislation*

Institutional racism is a phrase that is often tossed around by people discussing why discrimination has been perpetuated through the years. Unfortunately, the Riigikogu has its own history of putting laws into practice that are meant to have a disproportionate impact on a specific demographic – ethnic Russians. The acts that are discussed in this segment were defended by the parliament as justified responses to existing circumstances. By describing the government's justification, the actual outcomes of the act, and the parts of the laws most exploited, this section will reveal more clearly how the Estonian government has been damaging to the process of integration between ethnic Estonians and ethnic minorities that reside within their borders.

### *Citizenship Act*

The Riigikogu passed the Citizenship Act in 1995 (Appendix A). The purpose of the act was to define how Estonian citizenship could be obtained, and the requirements for naturalization. Estonian citizenship is acquired by either birth or naturalization, and an Estonia citizen may not hold dual citizenship. The

most relevant portions of this act, for the purpose of this thesis, are found in Chapter 2, Sections 6 and 8 (Appendix A).

Chapter 2, Section 6 stipulates that among other requirements, a would-be citizen must be proficient in the Estonian language and be loyal to the Estonian state (Appendix A). A biased Estonian administration has used section 6 to hinder the naturalization process of stateless ethnic Russian residents. The Estonian government has subjectively used the loyalty requirement to restrict individuals who have either lived in Russia or continue to have familial ties with Russia (Levy, 2010). After the Bronze Night incident, with concerns about divided loyalties running high, a heated discussion about the naturalization process arose. Ethnic minorities believed that about 80% of minority residents in the country were loyal to Estonia, compared to ethnic Estonians, who believed only 33% of minorities were loyal (Kruusvall, Vetik, & Berry, n.d.). Under intense pressure from ethnic Estonians, the Riigikogu voted to amend the Citizenship Act “in order to deprive naturalized Estonian citizens of their citizenship in cases where the individuals have been convicted for intentional offences against the state, though those offences do not necessarily pose a threat to the security and stability of the state.” Only the president declaring this amendment to be unconstitutional prevented it from going into effect (Pritt Järve & Poleschchuk, 2013).

Chapter 1, Section 8 describes the language proficiency requirement for naturalization and the process for reimbursement for Estonian language instruction (Appendix A). This section is the one which is most controversial to

ethnic minorities, though for different reasons depending on the source of criticism. Russian-speakers tend to have different criticism of the section than other linguistic minorities. A language requirement is common in the naturalization process of most countries, but stateless ethnic Russians argue that the language requirement is meant for immigrants. Given that many of these ethnic Russians have been born and raised in Estonia, they are not immigrants, and it is, according to them, unfair to treat them as such (Levy, 2010). On a more general scale, individuals applying for naturalization criticize the inaccessibility of language instruction and the difficulty of obtaining Estonian-language skills in later life stages. The Riigikogu has attempted to address these issues in recent years by waiving the language requirement for applicants over 65 years of age, and by attempting to make language instruction more widely available. Unfortunately, in cities which have a population that is largely Russian and in which less than half of residents hold Estonian citizenship, there is a limited Estonian-language environment which creates additional obstacles for language learners (Croft, 2016). Accessibility to Estonian language classes may be less limited due to government action, but the actual environment, being largely Russian-speaking, inhibits students' ability to refine their Estonian language skills to a point where they are unprepared to meet the proficiency requirements of the Citizenship Act.

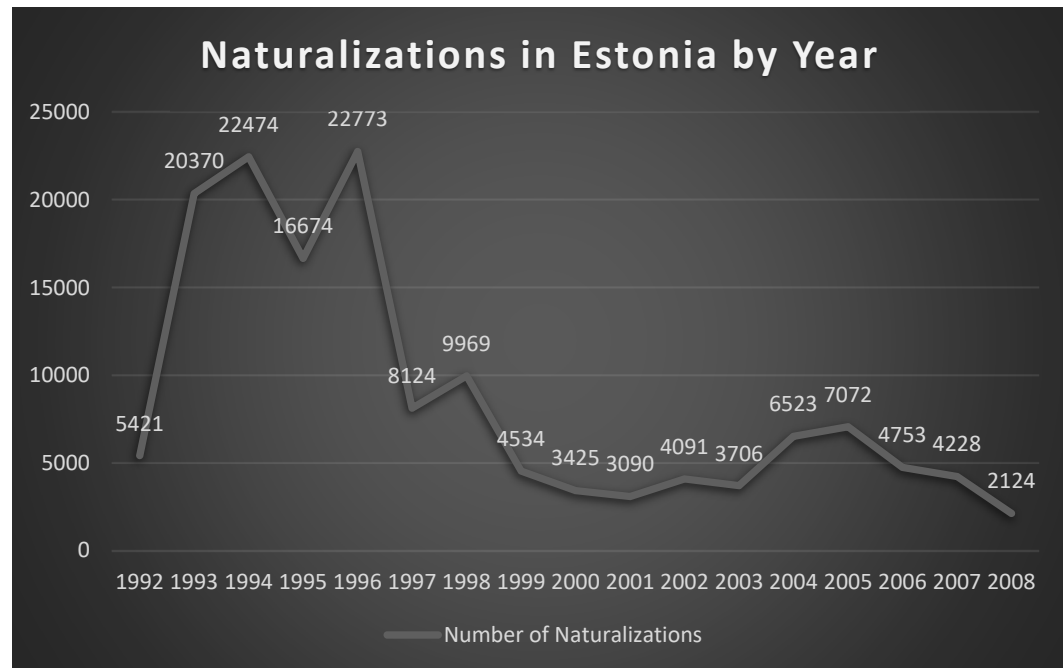


Figure 2 Naturalizations in Estonia by Year, based on data collected from the Citizenship and Migration Board, as described in (Vetik, n.d.)

The Citizenship Act objectively increased the difficulty of fulfilling the newly established residency, language, and constitutional literacy requirements. The year after the act came into law, 1996, naturalization rates fell sharply (Figure 2). The significant decrease was justified by the country's political elite because it "served the interests of the Estonian ethnic nation and its future (Pritt Järve & Poleschchuk, 2013). The citizenship law becomes an issue of linguistic human rights, because it places an undue burden on a specific language community, the ethnic Russians. As a secondary concern, without citizenship, which hinges on the Estonian-language skill, stateless residents of Estonia cannot participate in government elections.

Admittedly, the Citizenship Act is not the only major influence that has led to a stagnation in naturalization rates. Aside from lacking the ability to vote and

run for Estonian political positions, resident aliens in the country enjoy exactly the same rights as Estonian citizens. Many ethnic Russians hold an emotional aversion to the naturalization process, because they feel citizenship should have been a right afforded to them from the beginning (Vetik, n.d.) Lastly, the portion of Russians who have the means to do so will often prefer to obtain or keep Russian citizenship, because of the greater ease of travel to some locations (Vetik, n.d.).

### *National Minorities Cultural Autonomy Act*

As a foundational act, this piece of legislation provides the definition of a national minority. Because there is significant discrepancy between the definitions of national minority used by different countries, international treaties, such as the Council of Europe's Framework for the Protection of National Minorities, will regulate "national minorities" with the stipulation that each member country interpret the agreement using the definitions set by their own legislation (Framework Convention Report, 1995). In Estonia, this definition is set by Chapter I, Section 1 of the National Minorities Cultural Autonomy Act (Appendix B).

Passed in 1993, only two years after Estonia regained its independence and with Russian military troops remaining within the borders, the act was an instrument of anti-Russian sentiment. Arguably the most problematic line in this definition is "have long-term, sound, and permanent ties with Estonia." Given the previously discussed issue of a memory war between the ethnic Russians and

Estonians, many ethnic Estonians, particularly within pro-Estonian political parties, have questioned whether any Russian whose family settled in Estonia after the Soviet Reoccupation in World War II can be said to have such a level of ties (Pritt Järve & Poleschchuk, 2013). Thus, the definition has, in practice, prevented most post-WWII immigrants from becoming recognized constituting national minorities.

The initial report submitted by Estonia as required by the Framework Convention for the Protection of National Minorities reveals the bias against recent Russian immigrants in an official context (*Report Submitted by Estonia Pursuant to Article 25, Paragraph 1 of the Framework Convention for the Protection of National Minorities*, 1999). This report provided information on the initial implementation of the Framework within Estonia, and each other member country of the Framework also had to submit a similar report. Article 3 of the report, which was written in 1999, describes the major nationalities present in Estonia at the time: Ingerians (Ingrian-Finns), Germans, and, of course, Russians. However, the report is careful to distinguish between ‘Historical Russians’, also referred to as ‘Estonia’s Native Russians’, from the ‘Russian-Speaking Minority’, which is how the report refers to any Russians who settled in the country after World War II. The definition of a national minority, according to the National Minorities and Cultural Autonomy Act, includes a stipulation that an individual must be a citizen of Estonia to be recognized as a part of the national minority. The 1999 report also goes so far as to describe the ‘Russian-Speaking Minority’ in a section labeled “Other minority groups” instead of with the section

on historical development of the 'native' Russians. The report also brings up an issue worth considering in regard to the Statistical Office of Estonia, which is the government agency responsible for collecting data. The Statistical Office "makes it difficult to differentiate between national minorities and ethnic groups of later genesis." Without a clear and consistent definition of different minorities and ethnic communities it is difficult to analyze comparative trends between different ethnic groups with accuracy.

Returning to the discussion of the National Minorities Cultural Autonomy Act, a few concerns regarding the regulation of cultural self-administration arise when considered against a backdrop of linguistic and cultural human rights. While institutions of cultural self-administration, such as a national minority's cultural council, are funded and protected by the act, only national minorities with a registered member list of more than 3,000 individuals are permitted to operate such institutions. Chapter IV of the act defines institution of cultural self-administration to include educational institutions, enterprises and publishing houses of national culture, and national social welfare institutions. Chapter V of the act describes the reasons such institutions can be terminated, by the government, and include a drop below 3000 in the population of the national minority, as well as issues with non-participation or non-conformation in the elections of the cultural council.

The process for holding elections to the cultural council is defined by Chapter III of the act, and, among other things, has stringent rules to establish the legitimacy of the election. At least half of the entire registered population of



the national minority must participate in polling. A Government representative ensures compliance with the election procedures. The organization of the election is led by a general committee for elections – the membership of which does not come solely from the national minority holding the election, and which is subject to the approval from the government of the republic.

Despite the variety of national minorities recognized, information for these groups on how to obtain funding is only provided in Estonian and Russian. However, only the Estonian version is widely available and accessible. The Russian version is neither well known, nor easily accessible (“Discrimination,” n.d.). This funding is meant to support self-governing cultural bodies, cultural events, and preservation of the cultural mother tongues.

In conclusion, the National Minorities Cultural Autonomy Act has provided a forum to distinguish the Russian-speaking population from the officially recognized ethnic Russian minority. The act only protects the right to self-administration and cultural institutions for national minorities. Even when the existence of the institutions is protected, the establishment and administration is not truly autonomous from the government of Estonia, and funding strongly favors those minorities who are already well-integrated.

### *Equal Treatment Act*

As a part of the European Union, the government of Estonia is subject to a variety of directives. The two directives relevant to this section are Council Directive 2000/43/EC, implementing the principles of equal treatment between

persons irrespective of racial or ethnic origin, and Council Directive 2000/78/EC, establishing a general framework for equal treatment in employment and occupation. The European Council passed both directives in 2000. The Riigikogu drafted the Equal Treatment Act in 2002 to comply with the initial directive. Despite the European Commission beginning infringement proceedings against Estonia in 2004, the Riigikogu did not pass the Equal Treatment Act until 2008 (European Commission n.d.).

The significant amount of time between when the directives went into force, when the act was drafted, and when the act was passed can be attributed to conflict within the Riigikogu. Many members of the Riigikogu described the existing protections against discriminatory practices as “adequate” and were against creating an additional position of ‘equality commissioner’ due to the “unnecessary administrative burden (“Draft Equal Treatment Act rejected in parliament | Eurofound,” n.d.). The Riigikogu members who believed that not adding a new commissioner would overwhelm the existing commissioner position opposed the Equal Treatment Act also believed that the special interest groups most affected by the legislation had not had enough input into the drafting process. According to the statements on the Equal Treatment Act issued by Estonia’s Independent Human Rights organization, the tone of the Riigikogu during the eventual passing of the Equal Treatment Act in 2008 could best be described as “begrudging.”

An additional criticism of the Equal Treatment Act, which was not resolved prior to its passing, were the contradictions the Equal Treatment Act caused with

existing laws. Compared to the Estonian Constitution and pre-existing labor laws, the definition of discrimination is much more narrow in the Equal Treatment Act. Additionally, the resolution of discrimination disputes, as described in the act, created a division in which the responsibility for prosecution was no longer under a single organization. The Chancellor of Justice is named as one of the parties to resolution, and the Chancellor at the time the legislation was passed was critical of the Act, indicating that from a judicial stand-point the act did not create an efficient mode for dealing with discrimination disputes (“Situation of national minorities,” n.d.).

The original draft of the Equal Treatment Act also covered gender equality. However, the acts were separated, and the Gender Equality Act was created separately in 2004. With the passing of the Gender Equality Act, the position of the Commissioner for Gender Equality was created. One of the main sticking points of the Equal Treatment Act was that it did not create an additional commissioner position to deal with the protection of the groups described in the new act. When it was passed in 2008 (“Situation of national minorities,” n.d.), this conflict had been resolved by keeping the single commissioner and renaming their position as the Gender Equality and Equal Treatment Commissioner, but with the promise of additional funding for the commissioner to hire two staff members and cover additional resources required by the increased workload. This budget increase was vitally important as the commissioner went from handling only issues involving gender equality, to also any issues related to

discrimination along the lines of ethnicity, race, nationality, religion, age, disability, and sexual orientation.

The year after the Equal Treatment Act was passed, the number of individual cases of discrimination addressed by the Commissioner more than doubled. Between an unmaterialized budget increase and the additional demand on the commissioner's resources by the additional responsibilities, the office was required to work only a partial workload (75%). Increased funding was promised with the passing of the Act in 2008, but the resources did not materialize for nearly five years. The Commissioner's budget eventually began to increase in 2012, but the additional resources are almost exclusively in the form of foreign funding and private grants(*ESTONIA: Gender Equality and Equal Treatment Commissioner*, n.d.). While all demographics exposed to discrimination were affected by the functional limits imposed on the commissioner by a lack of funds, for the purposes of this thesis it also directly impacted members of non-Estonian Linguistic communities. Despite statistical trends in education, employment, and economics that would indicate a widespread bias against such populations, only a handful of suits related to ethnic and linguistic discrimination have ever been taken to court by the commissioner's office, and none have ruled in favor of the plaintiff.

### *Practices of Linguistic Discrimination*

The previous section spoke to a few of the acts passed by the Riigikogu that have functioned in such as way as to either create forum for discriminatory

bias or to overwhelm the protections that are in place against such actions. This section will present actual examples of linguistic discrimination. In order to be qualified as linguistic discrimination, the situation must meet a few of the standards discussed back in Chapter One of this thesis. First, the problem must be rooted in linguistic differences. Secondly, the problem must place an undue burden on the individual victim. Lastly, the perpetrator of the situation, in these cases the Estonia government, must have committed a breach of duty or perpetuated a course of action with intent to harm or knowledge of the likely consequences.

#### *Forced Transition of Education in Russian Communities*

In the three integration strategies published by the Estonian government between 2000 and 2018, there is a stated goal to imbue all students taught in Estonia with functional Estonian Language skills and a loyalty to Estonia. The Education Act in Estonia only requires that every school, regardless of language of instruction, include the opportunity to study Estonian in some manner (Kallas, n.d.). A couple of important acts elaborate on this requirement and bring into law the administrative procedures in pursuit of this outcome.

The Basic and Upper Secondary Act, in Chapter 3, Section 21 outlines the regulations related to the language of instruction in municipal schools of Estonia. The language of instruction is defined as that language in which 60% of a student's instruction and workload is carried out. A school is bilingual if no single language reaches that 60% mark. If a school is not bilingual, it is required, by

default, to have Estonian as the language of instruction. For municipal schools in which the majority of students speak a different language, the act outlines a procedure by which the school can petition the government to be allowed an alternative language of instruction. Despite multiple applications, the government has only approved an alternative language of instruction for a handful of schools. In the school districts of Narva, where Estonians are less than 10% of the student population, all but two applications for the alternative language use have been rejected(kypc, n.d.). The Pre-school Childcare Institutions Act sets the same standards for language instruction in pre-school institutions.

Schools in Estonia were not always required to meet these standards regarding language of instruction. The Basic and Upper Secondary Act and the Pre-school Childcare Institutions Act were passed in 2010 and 1999 respectively. Previously, while under Soviet rule and even during the first decade of independence, Russian-language schools were quite widespread. The passing of the Education Act in 1992 led to the development of a plan to convert even Russian-only schools to the 60% Estonian instruction level. In the Autumn of 1998, the plan was put into practice. Over the course of a decade, all municipal schools transitioned to Estonian as the language of instruction (Kallas, n.d.). The transition was criticized by a large portion of the affected community as a damagingly brief adjustment period, being less than a decade.

Studies in other areas of the world have shown that even if students are eased into a transition of their language of instruction from a very young age, it will impact their performance on the secondary and tertiary education levels

(Taylor & Coetzee, 2013). In South Africa, where the study took place, students with a mother tongue different from Afrikaans were either taught in their mother tongue, provided with bilingual education throughout their school career, fully immersed in Afrikaans from the first grade, or transitioned to Afrikaans in grades 1-5 or 6-8. Students who transitioned early on in their school career displayed a markedly lower performance on standardized tests taken at the end of their secondary schooling, and also a much lower rate of higher education attainment. While these studies may not have been available during the 1990s, the affected populations of Russians in communities along the eastern coast of Estonia were very vocal in their disagreement with the plan and the likely consequences it would have.

An additional problem was that during this decade-long process, a majority of teachers in these Russian-Medium schools did not have adequate Estonian language skills themselves. While additional training for teachers who did possess skills was available, there was still a decrease in quality from the forced switch to a new language on the part of the teachers. The short-term, high-volume increase in demand for Estonian-speaking teachers also meant that standards were lower for instructors as Estonian language skills were prioritized over subject matter knowledge.

Stratification of education level along ethnic and language lines is a demonstrated issue in Estonia. Despite efforts of the Russian speaking community, gymnasiums providing instruction in Russian are gradually disappearing ("Teaching Estonian," 2015). The last private college to operate in

Russian was closed due to complaints of the state. The de facto restriction of upper education from using Russian as a language of instruction puts native Russian speakers at a disadvantage in pursuing higher level education. With higher education being closely tied with economic opportunity and political participation, the current school system reinforces the existing socio-economic disparities.

In summary, the current education system favors Estonian-speaking students. Despite efforts to the contrary, Russian students are still subjected to lower quality instruction with the added hurdle of learning in a second language. The consequences of this additional burden ripple through a student's life, impacting the likelihood of their continuing education and successful economic performance. The Estonian government, despite providing the procedure to do so on paper and having the resources to do so, has refused to provide opportunities for these students to learn in an environment with a Russian language of instruction. The Russian community has been vocal about the negative impact these education standards has on their youth, so the Estonian Government has continued this damaging course of action despite knowledge of the consequences and available alternatives.

### *Labor Market Discrimination*

The Gender Equality and Equal Treatment Commissioner, as established by the Equal Treatment Act, is responsible for providing resources and information regarding protected rights to residents of Estonia. Additionally, the



commissioner advises individuals who are organizing suits against entities for alleged discriminatory practices. While there has yet to be a case in which a plaintiff was successful in proving ethnic or linguistic discrimination in the workplace, there is significant statistical evidence from independent organizations that labor discrimination is a widespread issue for non-Estonians.

The procedures determining prosecution of discrimination may be either judicial or non-judicial in nature. If a victim chooses to prosecute in court, they may do so in the criminal, administrative, or civil courts and receive a legally binding judgement of compensation. Victims may also choose to pursue the issue in non-judicial forums, including through labor dispute committees, conciliation at the Chancellor of Justice (for private sector issues), Ombudsmen-like procedures, or by challenging administrative authorities (if the issue is administrative). Non-judicial means are not legally binding, and the victim may choose afterwards to pursue the case in court if they are unhappy with the outcome.

The 2018 Report on Non-Discrimination names three major issues for dealing with accusations of discrimination. The first targets the Equal Treatment Act, claiming that it allows for workplace discrimination on the grounds of race and ethnicity “in order to ensure public order and security, to prevent criminal offences, and to protect the health and the rights and freedoms of others” (Poleschchuk, 2018). The second focuses on the lack of provisions regarding the representation of victims of discrimination who do not fall under either the system that deals with private workplace discrimination, or the conciliation procedure at

the Chancellor of Justice. Finally, and perhaps the most significant of these issues insofar as limiting the scope of discrimination, there are no provisions for anti-discrimination which are “effective, proportionate and dissuasive” (Poleschchuk, 2018). In summary, the Equal Treatment Act and the judicial system of Estonia have created a forum in which cases of discrimination may be prosecuted. However, such cases are not prosecuted so effectively as to serve as a deterrent for further discriminatory behavior.

Perhaps, however, statistical evidence would be even more convincing than an analysis of the shortcomings and complexities of the judicial system meant to prevent discrimination. Several independent organizations, both domestic and foreign, private and governmental, have carried out analyses of the different markers of economic performance and what they suggest for the economic opportunities of Estonian speakers versus non-Estonian speakers. The results are not encouraging.

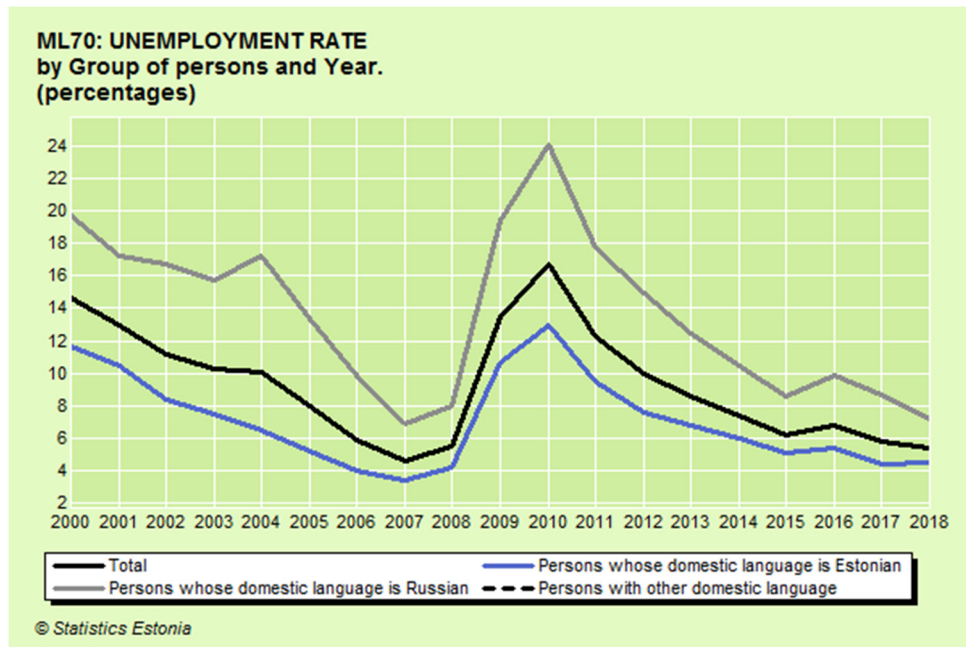


Figure 3 Unemployment Rate by Group of Persons and Year based on data from Statistics Estonia

This graph displays the total unemployment rate for Estonia, as well as the unemployment rate for Estonian speakers and Russian speakers (Statistics Estonia, 2018). The graph shows that not only do Russian speakers have a consistently higher unemployment rate than Estonian speakers, but that their employment is much more volatile. Changes in the labor market disproportionately impact Russian speakers. Outside of the employment rate, non-Estonian speakers also generally earn less than their Estonian counterparts.

Another dissimilarity along ethnic lines in the labor market can be traced back to the Soviet period. Horizontal segregation in the labor market, or differences in the ethnic distribution of workers among different economic sectors, is relatively widespread in Estonia. Originally, the discrepancies in employment were attributable to the fact that most of the Russian immigrants that settled in Estonia during the Soviet period entered the industrial sector.

Historically, Estonians have been over-represented in agriculture, arts, and education while Russians have been over-represented in industry, transportation, and storage (Saar & Helemäe, 2016). Since 1989, there have been two significant trends in horizontal segregation. The first occurred during the transition of Estonia into an independent state. During the Soviet Era, Russians were also over-represented in administration, defense, and social security. Post-1989, that dynamic has completely shifted to favor Estonians. The second trend has been a gradual decline in the overall horizontal segregation since 1990.

The term “ethnic penalty” is used to refer to ethnic inequality in the labor market and can certainly be applied to the situation of Russians in Estonia. In addition to the evidence supporting that Russians have comparatively fewer financial opportunities, Russians can also expect to reap relatively smaller financial rewards. While this discrepancy is not entirely based on the Russian versus Estonian language issues, statistics provided by the Estonian census suggest a linguistic component is not entirely absent from the ethnic penalty. Applicants with Russian sounding names or accents are often less likely to receive a job offer compared to similarly qualified applicants. Concerns about language proficiency discourage Russian students from attending gymnasium, with many attending trade schools instead. Estonians are proportionately more represented in white collar and management positions(Saar & Helemäe, n.d.).

Up to this point, this thesis has described linguistic human rights, the history of Estonia, and now linguistic human rights concerns in Estonia. The next

chapter will be a synthesis of these ideas and will primarily aim at contextualizing Russian-Estonian relations amid historical and current events.

## CHAPTER 4

### Metanarratives and Memory Wars

The title of this thesis leads with two concepts yet to be brought up in any of the previous chapters: memory wars and metanarratives. Both memory wars and metanarratives are related to a group's cultural perception of self and the collective experience. They are subjective and may even differ from individual to individual within a collective, but what is certain is that they carry enough emotional weight to inspire revolution and, as seen in many Eastern European countries, to defend a complicit role in genocide. On a smaller scale, collective memory is one of the most significant impediments to reintegration. Before getting too far into the role of metanarratives, collective memory, and memory wars in modern Estonia, it is necessary to define and explain the exactly what is meant by those terms.

The term metanarrative is likely the most familiar, especially to students of history. A metanarrative is a "grand unifying system of belief" (Lucy, 2015) for a social group based around a nation, religion, or other social identifier. These narratives are unifying in that they are used to tell the story of a specific group or nation, and grand in that they generally present as an embellished version of history. Metanarratives are created to serve a particular purpose, such as defining who does and does not belong within the collective. The presentation of Christopher Columbus in the American metanarrative provides a clear example of the use and abuse of using metanarratives to define identity. Common

knowledge now accepts that the true story of Columbus involves the exploitation and slaughter of native populations, but an idealized fiction of Christopher Columbus, written by Washington Irving, presented his character as that of the intrepid discoverer of America. The embellished tale was widely presented as true by 18<sup>th</sup> century Italian immigrants in the United States to justify their belonging in the American collective. Despite the narrative being a dramatized and outright false presentation of the facts, the Italian-Americans used it to integrate themselves into the American narrative and gain acceptance in their new country (Bartosik-Velez, 2014). Metanarratives are often consciously manipulated by a social group to exclude certain demographics or altered by subgroups wishing to assimilate into the collective.

Collective memory is comprised of the memories, knowledge, and information shared by a social group and associated with the group identity. Unlike a historical perspective of experiences, which tends to focus on accuracy and neutrality, the collective memory perceives experiences from a single point of reference – the specific group to which they belong (Barash, 2016). Collective memory often has an emotional component, which makes it incredibly subjective and prone to manipulation. That is not to say collective memory is altered with ease. A shift in a collective perception of an event can only be achieved when the collective alters its understanding of facts. In modern times, this is often achieved using mass media, but just as commonly can it be attributed to a generational divide. For example, the collective memory of Estonia must be described more broadly than if one were to describe the collective memory of different

generations of Estonians. The four most relevant generational divides in Estonian history would include those who experienced World War II as adults, those who lived their lives in Soviet Estonia, those who experienced the transition back into independence, and the Post-Soviet generation. The generational differences in collective memory are often the source of major changes in Estonian policy.

Finally, the great source of conflict in the context of this thesis – memory war. The Encyclopedia of Global Studies defines memory war as “the public debate about what constitutes the appropriate or valid ‘memory’” between the subgroups of a collective (Anheier & Juergensmeyer, 2012). The debate can be based on several different points of contention. At times, the issue may be that a subgroup does not feel that their experience is adequately represented within the collective understanding. Other times, as with Estonian-Russian tensions, the difficulty may be that two subgroups have diametrically opposed perceptions of the elements which contribute to collective memory.

The elements which are most contentious in the Estonian situation are usually World War II and the Soviet occupation of Estonia. The first two sections of this chapter will describe how those elements have shaped the Estonian metanarrative, as well as what role they play in the modern memory wars between Estonians and Russians. The following sections will transpose the recent progress on integration and civil rights in Estonia onto the historical events happening at the time.



### *Collective Memory in Estonia*

As previously mentioned, collective memory can vary wildly between generations. When speaking about the collective memory of a nation, variations can also be found across ethnic divides. Those variations, especially when they are based on the perception of events that provoke significant emotion or are diametrically opposed, will contribute to ethnic tensions. Due to this the separate experiences of Russian-Estonians and Estonians must be addressed in order to properly explain the ongoing memory war when considering the Estonian metanarrative.

#### *The Estonian Metanarrative*

The Estonian metanarrative began to develop during the Estophile movement of the 19<sup>th</sup> century, as the native Estonians began to revive their language and look nostalgically on the “Golden Years of Estonia” in the 1300s when the country was last independent. The 14<sup>th</sup> century, also known as the Viking Age, was a time when Estonia was ruled by Estonians and organized enough to build forts strong enough to repel Viking raiders. However, from the 15<sup>th</sup> to the early 20<sup>th</sup> centuries, Estonia was subjugated by multiple different nations and foreign powers. The Estophile movement was most closely tied to the rise in tensions between the oligarchic Baltic Germans and the Russian Empire that controlled Estonia, as discussed in Chapter Two. After the Estophile movement had gained enough momentum to establish universities and spread beyond academic lines and into the peasant population, Estonia achieved

independence in 1920. That Russian Civil War was ongoing at the time also helped Estonians to gain the necessary leverage to obtain their freedom.

After 20 years of independence, World War II erupted in 1939 and Estonia was once again invaded by Soviet troops. The Soviet occupation was resented, as the Estonian metanarrative now relied on the independence of the nation and the nation's ability to protect itself. Though the occupation was short-lived, it was brutal enough to motivate active cooperation with the Germans. When Nazi Germany cleared the Soviet troops from Estonia, it was seen less as another occupation and more as freedom from the Russian threat. The metanarrative of Estonia characterizes the country's complicit role in the Holocaust as "victimized" (Wulf, 2016). Because Germany had freed the country, it was seen as the lesser of two evils. Though Estonian populations were still forced to commit atrocities and to concede influence to a foreign power, the metanarrative presents the German occupation as less oppressive than the Soviet occupation. The subjective ranking of the German versus the Soviet occupations was the beginning of modern tensions between the ethnic Russian and Estonian populations of Estonia.

### *Russian-Estonian Memory Wars*

The physical consequences of the memory wars that are ongoing in Estonia are represented most clearly in the Bronze Night event described in the second chapter of the thesis. Russian-Estonians who were settled in Estonia after World War II were raised in the Soviet Union and arrived in Estonia with a

much different perception of the Soviet occupation of Estonia. In their understanding of World War II, Soviet Russia freed Estonia from Nazi Germany. Given that not only was this perception of events contrary to that of native Estonians, but that the Soviet occupation of Estonia was considered to be illegal by both Estonians and Western Europe, this chasm separating the two forms of collective memory was emotionally charged (Wulf, 2016).

Russian-Estonians believed that the Soviet Union played a positive role in Estonian history. Estonians perceived the ethnic Russian's refusal to reject and denounce their original homeland as a sign of divided loyalties. As of 2018, Estonia is one of the few European countries that does not acknowledge dual- or multiple citizenship (Citizenship Act, 1995; Priit Järve, 2007). Many Estonians believe that because Russian-Estonians continue to have ties with Russia, it is impossible for Russian-Estonians to be loyal citizens of Estonia. On the other hand, many Russian-Estonians were born and raised in Estonia. Though they may have a different view of Russia, Russian-Estonians claim Estonia as their home (Vetik, n.d.).

### *The Modern Context*

Progress on securing rights for minorities and eliminating barriers to integration in 21<sup>st</sup> century Estonia has occurred in brief but intense spurts. Loyalty has almost always been the crux of the issue of accepting Russian-Estonians as Estonians. In 2006 – 2007 and 2011 – 2016, domestic and international events forced Estonia to consider the issue of loyalty as one with

much more tangible consequences. The events that occurred during that time and their outcomes are the focus of the next section.

### *Rising Tensions: 2006 – 2007*

The position of Russian-Estonians in Estonia was tenuous up to 2006. The Citizenship Act and National Minorities Cultural Autonomy Act were passed in the 1990s. Despite widespread criticism by international and domestic governments, individuals, and organizations, the progress towards integration had stagnated. In 2006, however, the European Union began non-compliance proceedings based on Estonia's lackluster anti-discriminatory measures, which were covered in the last chapter. In 2007, the Bronze Night Event occurred, which was described in Chapter Two. Faced with the pressure from international bodies and the demonstration of potentially violent influence from the Russian minority in Estonia, the Estonian government was forced to reconsider its methods of handling the Russian minority. Of the many outcomes of these events, three illustrate the progress of the integration of national minorities in Estonia.

First, the question of loyalty once again became a significant issue in 2007. It was noted in Chapter Three that pressure on the Riigikogu led to a reconsideration of the Citizenship act and its loyalty component. The pressure was linked to an increase in native Estonian mistrust of minorities in the aftermath of the Bronze night event (Kruusvall et al., n.d.). The Riigikogu adopted an amendment that would have made the loyalty clause much more

subjective and prone to manipulation, but the president of Estonia prevented it from coming into law. That such an amendment was able to gain so much momentum in the first place speaks to the increased fear of the native Estonians.

Second, the Equal Treatment Act was finally passed in 2008. Though Chapter Three made it clear that the functionality of the act left much to be desired, the actual passing of the legislation was significant. Considering that non-compliance procedures were started in 2006 and it took nearly two years before the final act was accepted, suggest that the 2007 Bronze Night event may have been a factor. Most members of parliament cited their motivation for passing the act as a direct response to pressure from the European Commission. However, the Riigikogu ultimately conceded many of the more contentious points in favor of at-risk populations. That these concessions were passed at all was a significant indication that external influence in domestic events had grown. Political positions that had held fast in the previous six years of negotiations had been influenced in another direction.

Finally, in the year after the Bronze Night event, the Estonian government increased funding and incentives for media in the Russian language. Consequently, the amount of content available in the Russian language, but originating from Estonia increased. The first chapter of this thesis discussed how media that exclusively services a single linguistic community can polarize sentiments. Despite the 2008 financial struggles, there was a growth in availability of Estonian-sponsored Russian-language media online (Jõesaar, Rannu, & Jufereva, 2013). While this growth can be partially attributed to

transition of newspapers to a lower cost on-line presence, the few newspapers that survived the economic hardship did so largely through the aid of the Estonian government. While information fields continued to be separated along linguistic lines, the borders between Russian- and Estonian- language media had begun to blur. Ongoing efforts to continue exposing the Russian-Estonian population to Estonian-based media are largely attributable to the Estonian government's goal of providing an alternative to Russian propaganda (Makarenko, 2017).

Ultimately, the point of discussing how progress occurred against a backdrop of current events is to highlight the driving forces behind the changes. During this period, external pressure came from international governing bodies and was accompanied by a riotous demonstration of the Russian-Estonian tensions. The demonstrations of ethnic Russians only served to inflame tensions, as it gave native Estonians a reason to believe their concerns about divided loyalty were well-founded. Increased levels of fear between the two resident ethnic groups, the Estonians and ethnic Russians, were divisive. External pressure from the European Commission was not effective in dissuading Estonia from a course of action that it perceived to be in its own best interests. During 2006 – 2008, the beginnings of progress were already apparent, but large-scale legislative shifts in integration policy would not be seen until the next decade.

### *True Progress: 2011 – 2016*

Chapter Three mentioned the recent legislative progress that has been made on integrating minorities. However, the major events leading up to these changes have not been discussed. The decision to exclude these events from Chapter Two was based in the fact that the events were international in nature and not solely Estonian history. The main events of concern in this section include the completed language transition of Estonia's schools, Russia's annexation of Crimea in 2014, and the 2014 cross-border kidnapping of an Estonian national.

The forced transition of schools into Estonian as the language of instruction was covered in the last chapter. The academic performance of Russian-speaking students was negatively impacted, which translated into fewer Russian students having the opportunity to pursue better paying jobs. The transition was completed in 2011, and while the process was technically gradual, members of the Russian-language communities in cities like Narva and Tartu still considered the transitional phase to be prohibitively short. Once the transition was complete and the Russian-speaking community realized that their major concerns had not been addressed. The issues with the education system re-entered the public forum.

The 2014 Ukrainian Crisis included the pro-Russian unrest in Ukraine and the eventual annexation of Crimea by Russia. As the events of the crisis unfolded, they were widely publicized around the world. The events were of such international interest due to concern regarding Russia's foreign influence was

running high. Estonia kept a very close eye on the crisis as well, for reasons that were closer to home. The involvement of pro-Russian Ukrainian nationals in the crisis was particularly concerning to a country that was already questioning the loyalty of its own Russian population. In September of the same year, a small number of Russian forces briefly crossed the border into Estonia and abducted an intelligence officer. While the detention of Estonians at border crossings was not unheard of, this incident was more significant for a variety of reasons. That the kidnapping occurred two days after President Barack Obama of the United States visited Estonia was perceived as a political statement and immediately made the event a high-profile incident. That the Estonian national, Eston Kohver, was an intelligence officer whose trial was televised in Russia was unique compared to previous border altercations. However, the most concerning part about the incident was that Russians had to cross onto Estonian territory to abduct Kohver and had done so without Estonian permission (Borger & editor, 2014).

Estonia's integration policy for Russians became less restrictive and far more functional in the two years following these events. The coalition described at the end of Chapter Two was created. Two ground-breaking amendments to the Citizenship Act were passed. The first allowed all children born in Estonia to have Estonian citizenship by default, which was a huge step in mending the stateless persons issue. The second amendment directly benefited the Russian population as well, because it allowed residents of Estonia over 65 years of age to bypass language requirements in the naturalization process. The drafting of



this amendment began in October of 2014, barely a month after the kidnapping incident, and was passed in January of 2015 (“Riigikogu.ee,” n.d.). In 2015, the Estonian government also moved to address their previous shortcomings in the handling of language communities. The availability of Estonian language classes which were of high quality and fit the requirement for reimbursement described by the Citizenship Act had previously been inadequate, as discussed in Chapter Three. The Estonian government began to take steps to rectify the situation by providing funding and administrative support to establish the necessary facilities in high-density Russian cities and previously under-served rural communities (“National minorities and integration policy,” n.d.-b).

Similarly to the 2006 – 2008 interval, another consequence of current events was an increase in Estonia-based Russian-language media. In fact, the Estonian government made headlines in 2015 when it launched its first Russian language television program. Development for the channel began in 2014 and is supported by funds from the national budget. The channel was specifically created as a counterpoint to Russian influence in the aftermath of the crisis in Ukraine (Nielsen, 2015).

Each of these changes in treatment of the Russian population were responses to fears that their loyalty truly did lie with Russia. That fear of Russia seems to have been a better impetus for ethnic integration than political pressure and domestic unrest is unfortunate, because it suggests that the changes were dependent on threats and not a collective acknowledgement that the treatment of ethnic Russians was inadequate or improper. When progress is reactive to

international events but unresponsive to domestic desires, it creates a dynamic in which ethnic equality currently lies beyond what the current efforts of the ethnic Russian minority are able to achieve.

The stated purpose of this thesis has been to provide a snapshot of Estonia's current Russian-Estonian relations and the progress of integration of the Russian minority. Chapter Four sought to bring together elements of the first three chapters to contextualize modern events. Presenting the cause and effect relationship of the modern progress on integration, was meant to reveal the driving forces behind the ongoing changes. Ultimately, it appears that the changes in Estonia were brought about by a combination of external pressure and the reactive actions of internal minority activist groups. Interestingly, of the different types of external pressure, fear, such as that inspired by Russia's international actions, has been much more effective in securing functional change than pressure from political entities such as the European Union.

Of course, orchestrating international threats in order to create an opportunity for change is not a reasonable strategy for achieving consistent progress on integration of Estonia. Though this thesis suggests that fear-based external pressure served as a significant motivator for change, the main objective was to identify means by which future progress could be made. Given that most progress occurred as a response to international events, it seems that progress so far has been reactive. This analysis would suggest that the most effective course of action for motivating further progress would be for advocates of change to remain poised to take advantage of sudden opportunities rather than

attempting to manufacture their own. The use of loyalty as leverage, or at least as a central talking point, will continue to push the sentiment that the best way to promote Estonian interests is to promote an integrated Estonia. Ethnic Russians who are treated fairly by Estonian institutions are less likely to have divided loyalties than those whose experience of Estonia is one of exclusion and persecution.

## CONCLUSION

The purpose of this thesis was to explore how historical and political factors shaped the ongoing ethno-linguistic landscape of Estonia. Specifically, it focused on the integration of the Russian minority that arrived in the country during the Soviet era. The four chapter structure was meant to elaborate on the individual factors in order to build a foundation that culminated in the discussion of the last chapter.

Chapter One explored the many facets of linguistic human rights, and built a theoretical understanding of the topic. The introduction and discussion of concepts such as primordialism and instrumentalism, individual and collective rights, and the necessity of legislation created a framework necessary for understanding the nuances of ethnolinguistic integration on a national level. Being able to articulate ideas about the value of language and the role it may play in restricting or promoting a particular demographic underscored the extent of the damage created by the obstructive legislation and behavior of the Estonian government.

Chapter Two was a brief history of Estonia and included events significant in the context of this thesis all of the way back to the 12<sup>th</sup> century. Emphasis was placed on the identification of the ruling powers that subjugated Estonia between the 14<sup>th</sup> to the 20<sup>th</sup> centuries, particularly the Baltic Germans and the Russians. The influences of those two groups lead to the Estophile movement, and

eventually the independence of Estonia. The section which described World War II laid a groundwork for explaining the memory war caused by the conflicting metanarratives of native Estonians and ethnic Russians. The Bronze Night event which drastically influenced the modern Estonian perception of the resident ethnic-Russians was described.

Chapter Three described recent and ongoing linguistic rights issues during the post-Soviet era of Estonia. Three acts, the Equal Treatment Act, the National Minorities and Cultural Autonomy Act, and the Citizenship Act were discussed. They were each evaluated along the lines of justification, intent, efficacy, and outcome. The issues of labor discrimination and language transitions in the education system which continue to impact the rising generation residents were explained. This chapter sought to not only expound on some of the inequalities being perpetuated by Estonian institutions, but also on recent progress achieved in rectifying those equalities.

The culmination of this thesis, Chapter Four, served as a synthesis of the information up to that point. Within the framework of linguistic human rights theory, the cause and effect relationship between historical events and changes in the institutional treatment of the ethnic Russian minority was analyzed. This analysis suggested that the efforts of advocates to promote the integration of ethnic Russians was most effective against a background of fear attributable to actions carried out by Russia, and internal pressure from the relevant demographic.

While this thesis serves its purpose in contextualizing modern developments in Estonia, it also leaves more questions to be answered. The context of linguistic discrimination in Estonia was explored, but future integration efforts would require a more prescriptive analysis to provide accurate guidance on a course of action. As a snapshot of the experience of Russians in a Baltic State, this thesis would also be useful for research on regional differences in the experience of the global Russian diaspora. Its reference to the integration of linguistic minorities in a post-conflict setting is applicable to comparable research on Russians in other post-Soviet nations and linguistic communities around the world.

## APPENDICES

## APPENDIX A

Citizenship Act (§1, 2, 6, 8, 9)

Passed 19.01.1995

RT I 1995, 12, 122

Entry into force 01.04.1995

*Chapter 1: General provisions*

### § 1. Estonian citizen

(1) An Estonian citizen is a person who holds Estonian citizenship at the time of entry into force of this Act or a person who acquires or restores his or her Estonian citizenship in accordance with this Act.

(2) An Estonian citizen may not simultaneously hold the citizenship of another state without prejudice to the special rules established in section 3 of this Act.

### § 2. Acquisition, resumption and loss of Estonian citizenship

(1) Estonian citizenship is:

- 1) acquired by birth;
- 2) acquired by naturalisation;
- 3) restored to a person who lost his or her Estonian citizenship as a minor;
- 4) lost through release from or deprivation of Estonian citizenship or as a result of the acceptance of the citizenship of another state.

(2) Estonian citizenship is acquired, restored or lost under the conditions and following the procedure provided in this Act.

(3) The provisions of the Administrative Procedure Act apply to administrative proceedings provided in this Act without prejudice to the rules specific to this Act.

### § 6. Conditions for acquiring Estonian citizenship

An alien who wishes to acquire Estonian citizenship must:

- 1) be at least 15 years of age;
- 2) hold a long-term residence permit or the right of permanent residence;  
2<sup>1</sup>) prior to the date on which he or she submits the application for Estonian citizenship, have lived in Estonia for at least eight years on the ground of a residence permit or by right of residence, of which at least five years on a permanent basis;
- 2<sup>2</sup>) [repealed – RT I, 03.02.2015, 1 – entry into force 01.01.2016]
- 2<sup>3</sup>) have a registered place of residence in Estonia;
- 3) be proficient in the Estonian language in accordance with the requirements provided in section 8 of this Act;
- 4) know the Constitution of the Republic of Estonia and the Citizenship Act in accordance with the requirements provided in section 9 of this Act;
- 5) have a permanent legal income;



- 6) be loyal to the Estonian state;
- 7) take an oath: " Taotledes Eesti kodakondsust, tõotan olla ustav Eesti põhiseaduslikule korrale. " [In applying for Estonian citizenship, I swear to be loyal to the constitutional order of Estonia.]

#### § 8. Requirements for and assessment of proficiency in the Estonian language

(1) For the purposes of this Act, proficiency in the Estonian language means general proficiency in basic Estonian needed in everyday life which corresponds to the proficiency level B-1 specified in the Language Act or to an equivalent level.

(2) The proficiency requirements in the Estonian language for a person who wants to acquire Estonian citizenship are the following:

- 1) the applicant is able to cope in most everyday situations;
- 2) the applicant is able to describe experiences, events, dreams and goals and can briefly give reasons for and explain his or her views and intentions;
- 3) the applicant is able to fully understand the gist on familiar topics such as work, school and leisure;
- 4) the applicant is able to compose a simple text on a topic which he or she is familiar with or takes an interest in.

(3) The applicant's proficiency in the Estonian language is assessed by way of examination. The procedure for holding examinations is established by the Government of the Republic.

(4) An applicant who passes the examination is issued a corresponding certificate.

(5) Applicants who have acquired a basic, secondary or higher education in the Estonian language are not required to take the examination.

(6) The applicants referred to in section 35(3) of this Act take the examination to the extent and in the manner set out in the decision of the expert committee referred to in section 35(7) of this Act.

#### § 8<sup>1</sup>. Reimbursement of language training expenses

(1) Up to one hundred percent of the fee for Estonian language training paid to the keeper of a continued education institution that holds an authorisation for conducting continuing education courses for the Estonian language targeted to the preparation of participants for proficiency examination by a person who has passed the Estonian language examination provided for in section 8(3) of this Act and the examination on the knowledge of the Constitution of the Republic of Estonia and the Citizenship Act provided for in section 9(2) of this Act will be reimbursed to that person within the limit established by the Government of the Republic.

(2) The Ministry for Education and Research arranges the reimbursement of language training expenses. The minister responsible for the area may enter into a regulatory contract with a government foundation to effect reimbursement of language training expenses. Supervision over the performance of the regulatory contract is exercised by the Ministry for Education and Research.

(3) In order to have his or her language training expenses reimbursed, an applicant who has passed the Estonian language examination and the examination on knowledge of the Constitution of the Republic of Estonia and the Citizenship Act, submits to the Ministry for Education and Research or to the government foundation referred to in subsection 2 of this section, not later than within three months after passing both examinations, the corresponding application together with a copy of an identity document and a document certifying the payment of language training expenses or an officially certified copy thereof.

(4) The Ministry for Education and Research or the government foundation referred to in subsection 2 of this section reimburses, not later than within two months from the date of the submission of the corresponding application, the language training expenses to the bank account stated in the application of the applicant who has passed the Estonian language examination and the examination on knowledge of the Constitution of the Republic of Estonia and the Citizenship Act.

#### § 9. Requirements for and assessment of knowledge of the Constitution of the Republic of Estonia and of the Citizenship Act

(1) A person who wishes to acquire Estonian citizenship must know:

1) the general principles of the Estonian constitutional order which are provided in Chapters I and III of the Constitution of the Republic of Estonia;

2) the fundamental rights, freedoms and duties of every person which are provided in Chapter II of the Constitution of the Republic of Estonia;

3) the powers of the Riigikogu, the President of the Republic, the Government of the Republic and the courts of law as provided in the Constitution of the Republic of Estonia;

4) the conditions and procedure for acquisition, restoration and loss of Estonian citizenship as provided in the Citizenship Act.

(2) Knowledge of the Constitution of the Republic of Estonia and the Citizenship Act is assessed by way of examination which is held in Estonian. The procedure for the holding of the examination is established by the Government of the Republic.

(2<sup>1</sup>) The Ministry for Education and Research prepares and arranges the examination, coordinates the preparation of examination materials and issues examination certificates.

(2<sup>2</sup>) The minister responsible for the area may enter into a regulatory contract with a government foundation for the purpose of preparing and arranging the examination, coordinating the preparation of the examination materials and issuance of examination certificates. The Ministry of Education and Research exercises supervision over the performance of the regulatory contract.

(3) An applicant who passes the examination is issued the corresponding certificate.

(4) Applicants referred to in section 35(3) of this Act take the examination to the extent and in the manner set out in the decision of the expert committee referred to in section 35(7) of this Act.

(5) The Government of the Republic establishes a database to keep record of the examinations on knowledge of the Constitution of the Republic of Estonia and the Citizenship Act and of the certificates issued (hereinafter, 'the database of examinations and certificates') which is part of the government information system.

(6) The constitutive regulations of the database of examinations and certificates are established by the Government of the Republic.

(7) With respect to the database of examinations and certificates, the Ministry for Education and Research is the data controller.

(8) Persons in whose respect the database of examinations and certificates contains a record have the right to access any data concerning themselves in that database; other persons may access such data if this is required in order to perform a function provided by an Act of the Riigikogu or an international agreement.

(Citizenship Act, 1995)

## APPENDIX B

### National Minorities Cultural Autonomy Act (Chapters I – IV)

Passed 26.10.1993

RT I 1993, 71, 1001

Entry into force 28.11.1993

#### *Chapter I General Provisions*

##### § 1.

For the purposes of this Act, a national minority shall mean Estonian citizens who:

- reside in the territory of Estonia;
- have long-term, sound and permanent ties with Estonia;
- differ from Estonians by their ethnic belonging, cultural characteristics, religion or language;
- are led by their wish to collectively maintain their cultural customs, religion or language which are the basis for their common identity.

##### § 2.

(1) For the purpose of this Act, the cultural autonomy of a national minority shall mean the right of persons belonging to a national minority to establish cultural autonomy bodies in order to perform culture-related rights granted to them by the Constitution.

(2) Persons belonging to the German, Russian, Swedish and Jewish national minority, and persons of national minorities with a population of over 3000 may establish cultural autonomy bodies of national minorities.

##### § 3.

(1) A person of a national minority has the right to maintain his or her ethnic belonging, cultural customs, mother tongue and religion.

(2) It is prohibited to denigrate the customs and religious practices of any national culture, and to hinder the performance thereof, and it is also prohibited to engage in any activity aimed at forcing the members of a national minority to adopt the national characteristics of another nation.

##### § 4.

Persons belonging to a national minority have the right to:

- 1) form and support national cultural and educational institutions and religious communities;
- 2) establish national organisations;
- 3) perform national traditions and religious customs if this does not violate public order, damage health or breach morality;

- 4) use their mother tongue in public administration within the limits established by the Language Act;
- 5) publish printed matter in their national languages;
- 6) conclude cooperation agreements between cultural and educational institutions and religious communities;
- 7) disseminate and exchange information in their mother tongue.

#### § 5.

(1) The main objective of a cultural autonomy body of a national minority is to:

- 1) organise studying in the mother tongue and supervise the use of the assets prescribed for such purpose;
- 2) establish cultural institutions of national minorities and organise their activity, and to organise national cultural events;
- 3) establish foundations, and to grant stipends and awards for promoting the culture and education of national minorities.

(2) National minorities have the right to establish, in the interests of national culture, their own institutions of cultural self-administration which, in dealing with matters within their competence, shall adhere to Estonian legislation.

#### § 6.

Aliens residing in Estonia may take part in the activity of cultural and educational institutions and religious communities of national minorities but they cannot participate in the elections of, or be elected or appointed to the directing bodies of institutions of cultural self-administration.

### Chapter II: Nationality Lists of National Minorities

#### § 7.

(1) The basis for application for establishment of a cultural autonomy body of a national minority shall be the nationality list of the national minority.

(2) The nationality lists of national minorities shall be prepared by national cultural associations or unions of such associations. The procedure for the maintenance and use of nationality lists shall be established by the Government of the Republic.

#### § 8.

(1) A nationality list shall set out the following concerning each person:

- 1) given name and surname;
- 2) the date and place of birth;
- 3) sex;
- 4) nationality and mother tongue;
- 5) personal identification code;
- 6) marital status;
- 7) data on minor children;
- 8) residence;

- 9) religion;
- 10) the signature of the applicant, and the date.
- (2) Children under 15 years of age shall also be entered in the nationality list at the request of their parents.
- (3) A person is entered in a nationality list based on the person's application. Such application may be sent by post.

#### § 9.

A person is deleted from a nationality list:

- 1) at the request of the person;
- 2) if the person renounces Estonian citizenship or takes up permanent residence in a foreign country;
- 3) upon the death of the person.

### Chapter III: Directing Bodies of Cultural Autonomy Bodies of National Minorities and Formation thereof

#### § 10.

(1) Persons of a national minority who wish to establish a cultural autonomy body shall submit, through the corresponding national cultural association or the union of such associations, an application to this effect to the Government of the Republic.

(2) The application shall be submitted pursuant to the procedure provided in the Administrative Procedure Act (RT I 2001, 58, 354).

#### § 11.

(1) The directing bodies of a cultural autonomy body of a national minority shall be the cultural council of the national minority, and the cultural board organising the activities of the institutions of cultural self-administration.

(2) A cultural council may establish county or town cultural councils of the national minority, or to appoint local cultural councillors.

#### § 12.

Cultural councils of national minorities shall be elected by direct and uniform elections by secret voting. Voting shall be done in person at the polling division or by post.

#### § 13.

(1) For organising the elections of a cultural council, the national cultural association or the union of such associations shall elect a general committee for the elections, the membership of which shall be approved by the Government of the Republic who shall also appoint a representative with the task to monitor compliance with the election rules.

(2) Where necessary, the general election committee shall establish local election committees and give directions for organising the elections, making summaries and publishing results.

§ 14.

The rules for the elections of cultural councils of national minorities shall be prepared and approved by the Government of the Republic.

§ 15.

The polling lists shall be prepared based on the nationality lists of national minorities specified in subsection 8 of this Act.

§ 16.

(1) Elections shall not be organised if less than half of the persons entered in the nationality list have given consent for their entry in the polling list.

(2) A national minority may submit an application for organisation of second elections of the cultural council of the national minority after three years from the previous application.

§ 17.

(1) The polling list shall be published for examination by the public at least two months before the election.

(2) Every person entered in the polling list has the right to request the deletion of his or her name from the list not later than two weeks prior to the election.

§ 18.

(1) The general election committee shall determine the number of mandates of a cultural council of a national minority which shall be between 60 and 20.

(2) The membership of a cultural council shall be elected for a period of three years.

§ 19.

The elections of a cultural council of a national minority are deemed to have been held if over a half of the persons entered in the polling lists participated therein and the elections were held in conformity with this Act and the election rules.

§ 20.

All protests and complaints concerning the organisation of the elections of a cultural council shall be settled by the general election committee not later than within two weeks after the publication of the election results.

§ 21.

Not later than one month after the publication of the election results of an election of a cultural council, the chairman of the general election committee shall summon the first session of the cultural council, and shall chair the session until the time the board has been elected. After that the general committee shall declare their authority to be terminated.

§ 22.

At the first session of the cultural council, the statutes of a cultural autonomy body shall be approved by the majority of votes of the membership of the council which shall determine:

- 1) the procedure for election of the chairman, substitute chairmen and board of the cultural council;
- 2) procedure for the formation and authority of local cultural councils;
- 3) formation of institutions of cultural self-administration;
- 4) rights and obligations of cultural self-administration bodies based on the main objectives provided by section 5 of this Act;
- 5) rules of procedure of the directing bodies of cultural autonomy bodies.

§ 23.

The costs related to the election of a cultural council of a national minority shall be borne by the cultural autonomy body of a national minority, and support may be granted from the state budget for covering the costs relating to the election of a cultural council of a national minority.

#### Chapter IV: Institutions of Cultural Self-Administration and Financing Activities thereof

§ 24.

Institutions of cultural self-administration are:

- 1) educational institutions where studies are conducted in the national language or which offer intensive studies of national culture (pre-school child care institutions and schools);
- 2) institutions of national culture;
- 3) enterprises and publishing houses of national culture;
- 4) national social welfare institutions.

§ 25.

Schools (classes) of a national minority are opened and their work shall be organised pursuant to the procedure provided by the Private Schools Act.

§ 26. [Repealed - RT I 2002, 53, 336 – entered into force 01.07.2002]

§ 27.

(1) The funds of a cultural autonomy body of a national minority and the bodies and institutions thereof are constituted of:

- 1) appropriations from the state budget according to law, and support designated for specific purposes;
- 2) support for specific purposes allocated from the budget of the local government to the educational, cultural and social welfare institutions of cultural self-administration;
- 3) cultural self-administration contributions in a size determined by the cultural council;
- 4) support, donations and bequests;
- 5) support by foreign organisations.



(2) A cultural autonomy body of a national minority may use the assets allocated to it for specific purposes only pursuant to the prescribed procedure and for the intended purposes. Supervision over the use of the assets shall be exercised by duly authorised state supervisory bodies in adherence to the legislation in force. (“National Minorities Cultural Autonomy Act – Riigi Teataja,” n.d.)

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