

Ethnic Democracy and Estonia: Application of Smooha's Model

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NOTE ON TERMINOLOGY

The terms “Estonians” and “non-Estonians” are used to denote ethnicity, not citizenship. For this purpose, the term “Estonian citizen” or “non-citizen” shall be used. This clarification is necessary as we are dealing with a complex situation where Estonian society is composed of citizens and non-citizens (half of whom are actually stateless, if we exclude foreign nationals). Furthermore, among Estonian citizens we have ethnic Estonians (or “members of the core nation”) and members of the minority ethnic groups (Russians, Ukrainians, Belorussians, Finns, Jews, Tatars, Germans, Latvians, Poles, etc).

Another term used is that of “Russian-speakers” which refers not only to ethnic Russians but also to the residents of Estonia from other ethnic groups whose first language is Russian regardless of their citizenship.

ETHNIC DEMOCRACY AND ESTONIA: APPLICATION OF SMOOHA'S MODEL¹

Priit Järve²

ABSTRACT

This paper applies a model of ethnic democracy elaborated by Professor Sammy Smooha of Haifa University, Israel, to Estonia, a case which is usually regarded as marginal in this regard. This application shows that Estonia can be characterised as a combination of a strongly-defined ethnic democracy (citizens of the core ethnic nation are dominating the other citizens) and a control system (citizens of the core ethnic nation are dominating the stateless individuals of non-core ethnic origin). As the number of stateless persons is diminishing, the system of control slowly disappears and ethnic democracy may prevail. The legal foundation of ethnic democracy in Estonia is in the Preamble of its Constitution.

I. INTRODUCTION

Since the end of the 1980s, the so-called 'third wave of democratisation' has been sweeping away authoritarian regimes from the states of Central and Eastern Europe. Everybody has been astonished by radical changes in the political landscape of these countries, overwhelmed by the determination of the people and the political elites to join swiftly the western mainstream of liberal democracy and market economy. However, the last decade has also demonstrated that this unprecedented transition is more complex than originally imagined. The models of democracy have appeared not so easily transferable from the West to the areas where very little or almost no living memory of similar political endeavours exists. The practical results of transition to democracy in Central and Eastern Europe have often been disappointing for politicians

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and their respective constituencies but very challenging for scholars.³ New issues demand scrutiny and elaboration. One of them is 'ethnic democracy' (Linz 1975; Smith 1996; Smooha 1990, 1997, 1998, 1999).

S. Smooha (1999) argues that, in a world of ethnically divided states and of growing democratisation, especially after the Cold War and 'liberation' of Eastern Europe from Soviet domination, it is justified to raise the question of whether the types of democracy known in the West are adequate to describe and analyse the political systems existing or emerging in these divided societies. What are the types of democracy available to these democratising states in ethnically divided societies for consideration and emulation, Smooha asks. He points out that in the literature on democratic systems in ethnically divided societies two models are prevalent: liberal and consociational democracy. Liberal democracy is characterised by the granting of individual rights only, a common nation consisting of citizens, and a high rate of assimilation. Under consociational democracy the state recognises ethnic group differences and grants individual and collective rights equally. The minority enjoys power sharing and can veto decisions, which are vital to its interests, while the assimilation rate is low. In addition to these regimes, there exists a model of control, a set of mechanisms, employed in democratic and non-democratic settings, for achieving political stability.⁴

³ A mood of profound disappointment is reflected by P. Szyszlo (2000): "While Central Europe has been busily mimicking the West in one form or another, the former Soviet borderlands have moulded themselves into an erratic hybrid of cowboy capitalism, robber baron kleptocracy and born-again Bolshevism. Attempts to reform these countries have revealed their inability or unwillingness to evolve in a European direction."

⁴ Lustick (1979) introduced the "control" model of a political system to explain Arab acquiescence in Israel. The system is based on the principle that one ethnic group takes over the state, imposes its culture on the society, and takes measures to prevent the non-dominant group from organising politically and upsetting the status quo. The control system consists of isolation (the non-dominant group is denied access to the dominant group), economic dependence (non-dominant members are made dependent on the dominant group and deprived of the means for waging political struggle) and cooptation (certain benefits and favours are partially extended to non-dominant elites) (Smooha 1999:7). In the case of Estonia, the stateless Russian-speakers can be regarded as being under the control system. They are isolated because of their poor knowledge of the state language and lack of citizenship; they are economically disadvantaged because of the lack of appropriate language skills which do not enable them to compete on equal terms on the labour market. Non-citizens are prevented from organising politically as they cannot form or belong to parties according to the law. A closer look at Estonian laws reveals that there are several other differences in the rights of citizens and non-citizens of Estonia (for these differences see: <http://www.lichr.ee/eng/researchers.analysis/diff.htm/>). However, the control system is losing ground in Estonia as the number of stateless Russian-speakers is slowly diminishing due to the acquisition of citizenship (Estonian or Russian) and other reasons, such as emigration and mortality.

It is Smootha's thesis that there is something lacking in the present models of democracy. He proposes to recognise an additional type of democracy that is in existence but not yet recognised. He identifies this type as 'ethnic democracy' and claims that it will be increasingly relevant to some democratising ethnic states in the world today.

It should be noted that 'ethnic democracy' does not belong to classical western models such as market economy and participatory democracy, which were exported to the East for implementation and ran into difficulties there. Rather, the model of ethnic democracy seeks to conceptualise and explain these difficulties.

Ethnic democracy, according to Smootha (1999:14), is a political system that combines extension of democratic rights for all with institutionalisation of dominance by one ethnic group. It is based on contradictory principles: the "democratic principle" provides equality between all citizens and members of society, while the "ethnic principle" establishes explicit ethnic inequality, preference and dominance. This structural incompatibility constantly generates ambiguities, contradictions, tensions and conflicts, but not necessarily ethnic and political instability. While liberal democracy conforms to the idea of "equal and not separate" and consociational democracy corresponds to the concept of "separate but equal," ethnic democracy fits the pattern of "separate but not so equal," Smootha explains. He argues that the model of ethnic democracy is crystallising in some of the states of the former Soviet bloc and becoming increasingly relevant to other democratising ethnic states. Therefore, Smootha (1999:3) calls for a comparative study of ethnic democracies to advance the proposed model beyond its current seminal stage.

According to Smootha, ethnic democracy has the following features:

1. Ethnic nationalism installs a single core ethnic nation in the state.
2. The state separates membership in the single core ethnic nation from citizenship.
3. The state is owned and ruled by the core ethnic nation.
4. The state mobilises the core ethnic nation.
5. Non-core groups are accorded incomplete individual and collective rights.
6. The state allows non-core groups to conduct parliamentary and extra-parliamentary struggle for change.
7. The state perceives non-core groups as a threat.

8. The state imposes some control on noncore groups.

These features are the core elements of his model of ethnic democracy which is “an empirical tool to analyse reality and not a normative model” (Smooha 1998:2). The relevance of these features to Estonia is considered in the chapter “Features of Ethnic Democracy” and in Table 1 of this paper.

In addition, Smooha has also identified ten conditions of ethnic democracy. These conditions are the following:

1. The core ethnic nation constitutes a solid numerical majority.
2. The non-core population constitutes a significant minority.
3. The core ethnic nation has a commitment to democracy.
4. The core ethnic nation is an indigenous group.
5. The non-core groups are immigrant.
6. The non-core group is divided into more than one ethnic group.
7. The core ethnic nation has a sizeable, supportive Diaspora.
8. The homelands of the non-core groups are involved.
9. There is international involvement.
10. Transition from a non-democratic ethnic state has taken place.

However, Smooha regards these conditions neither necessary nor sufficient for the establishment and sustainability of this political regime. Their listing aims to inform and sensitise historical and comparative studies of ethnic democracies (Smooha 1999: 20-22). In the case of Estonia, many of these conditions can be observed (see the chapter “Conditions of Ethnic Democracy” and Table 2 of this paper for details).

II. ESTONIA AND ETHNIC DEMOCRACY

The case of Estonia (and also that of Latvia) is usually considered as marginal and controversial because considerable proportions of non-titular permanent residents are not citizens and cannot fully participate in the democratic process. Nevertheless, there seems to be a growing consensus among scholars that these states can be labelled as

ethnic democracies despite the fact that part of the residents do not have citizenship (Hallik and Pettai 1999; Kolsto and Tsilevich 1997; Pettai 1998, 1994; Smith, Aasland and Mole 1994; Smith 1996, Linz and Stepan 1996).

Smootha disagrees with the extension of the model of ethnic democracy to Estonia. In his opinion, such an extension “blurs the distinction between democracy and non democracy and makes it difficult to defend the democratic classification of ethnic democracy.” At the same time, he sees Estonia as “a system in a preparatory stage before becoming an ethnic democracy”, and as a “good candidate for an ethnic democracy” (Smootha 1998:3,4).

At this point, in order to conceptualise the difference between these approaches and in order to make sense of my application of Smootha’s model to Estonia, I need to introduce the notions of ‘strong definition of ethnic democracy’ and ‘weak definition of ethnic democracy’. According to the strong definition, ethnic democracy is constituted by the combination of full enfranchisement through citizenship and of ethnic domination. According to the weak definition, the means of the domination of one ethnic group may include partial (and/or temporary) exclusion of other groups from citizenship. Smootha clearly prefers the strong definition, while the other authors referred to above seem to proceed from the weak definition of ethnic democracy.

Estonian society as a whole does not satisfy the strong definition. At the same time, a part of it does. Let us take a look at this society by using, for convenience, rough size estimates of different groups. When we leave aside 100,000 foreign citizens living in Estonia, we are left with 1.3 million residents which can be said to constitute the Estonian society in a non-ethnic sense. Of those persons, 200,000, or 15 per cent, carry Estonian identification documents but have no citizenship. It is possible to claim that the rest of the Estonian society, or 85 per cent of it, functions as an ethnic democracy in the strong sense. In this subsystem of the society, the citizens from the core nation (900,000 persons, or 82 per cent of all citizens) are dominating the citizens from the non-core nation (200,000 persons, or 18 per cent of all citizens), while both groups have equal access to democratic procedures and institutions.

At the same time there is another subsystem at work in which the same citizens from the core nation (or 70 per cent of the society) are dominating the stateless members of the non-core groups, which include 200,000 individuals, or 15 per cent of

the society. In this case the access of the groups to democratic procedures and institutions is unequal. Here we talk about the control system (see footnote 4 above). In practice, these subsystems function together as a combination, which includes an ethnic democracy in a strong sense and a control system. This combination is perceived by some scholars as an ethnic democracy and by others as a non-democracy. Estonia's official self-perception is that of a parliamentary democracy.

It is the difference of views on the nature of Estonian democracy in general and on its ethnic character in particular that has prompted the writing of this paper. In what follows I attempt to apply the model of ethnic democracy, as outlined by Smooha (1999), to the current situation in Estonia. This repeats, by and large, an earlier application of these features to Estonia by Smooha himself (evaluations from Smooha (1998) are quoted in Table 1). On my part, I have tried to bring more details and recent developments into my application, which has led me to different evaluations of the relevance to Estonia of some features of the model.

To make it easier for the reader to follow my application, Smooha's descriptions of the features of ethnic democracy are *italicised*, followed by my characterisation of relevant aspects of the Estonian case. I then evaluate each feature of ethnic democracy as 'almost irrelevant', 'partly relevant', or 'almost fully relevant' for the Estonian case. These evaluations are listed in Table 1.

III. FEATURES OF ETHNIC DEMOCRACY

Feature 1: *Ethnic nationalism installs a single core ethnic nation in the state.*⁵

Ethnic nationalism makes the ethnic nation a center of gravity for the society as a whole—a prime concern, a world interest and a precious asset for most members and leaders of the ethnic nation. Since ethnic nationalism asserts the ethnic nation's inalienable right to a separate political entity and exclusive right to the homeland, it

⁵ Smooha defines 'ethnic nationalism' as a brand of nationalist ideology or movement, which claims that a given group constitutes an ethnic nation (rather than a civic nation), and, as such, has a right to a certain territory. It usually presumes that the ethnic nation has a distinct culture and language and certain collective goals to be preserved and promoted. An 'ethnic nation' is a nation that, in principle, consists of a single ethnic group, whereas a 'non-ethnic (civic or territorial) nation' is a nation that is, or in principle can be, composed of different ethnic groups. The ethnic nation is further grounded in a myth of common descent and shared collective memory and often also a common language and culture. From this assertion a dichotomy emerges separating the core ethnic nation from noncore members who originate from other ethnic groups (Smooha 1999:14).

can easily legitimate unequal statuses between the core ethnic nation and non-core groups (Smooha 1999:15).

The Preamble of the Estonian Constitution states that

Unwavering in their faith and with a steadfast will to secure and develop a state which is established on the inextinguishable right of the Estonian people [in Estonian: *Eesti rahvas*] to national self-determination and which was proclaimed on February 24, 1918, [...] which shall guarantee the preservation of the Estonian nation [*eesti rahvus*] and its culture throughout the ages— the Estonian people [*Eesti rahvas*] adopted, on the bases of Article 1 of the Constitution which entered into force in 1938, by Referendum held on June 28, 1992, the following Constitution...

The Preamble uses two different concepts: *Estonian nation* [*eesti rahvus*] and *Estonian people* [*Eesti rahvas*]. In the Estonian language, *eesti rahvus* means “ethnic Estonians,” and *Eesti rahvas* means “the people (citizens) of Estonia” regardless of their ethnic origin (*Eesti* with capital “E” refers to Estonian territory; only citizens of Estonia could vote in 28 June 1992 Referendum by which the Constitution was approved). Thus, the first meaning refers to “ethnic nation” and the second to “civic nation”. The logic of the Preamble, not very explicit though, is simple: the citizens (all ethnic groups together) establish a state and adopt a constitution to preserve one ethnic group—the Estonians— and its culture. Thus, one ethnic group has manifested its specific claims to the state in which it establishes itself constitutionally as a single core ethnic nation. This Preamble is the constitutional pillar and the legal point of departure of the Estonian ethnic democracy.

The following Articles of the Estonian Constitution empower the Estonians *asthe* core ethnic nation by creating collective privileges, which are mostly based on language use:

- | | |
|---------|--|
| Art. 6 | The official language of Estonia shall be Estonian. |
| Art. 36 | [...] Every Estonian shall have the right to settle in Estonia. |
| Art. 37 | [...] All persons shall have the right to instruction in Estonian. |
| Art. 51 | [...] All persons shall have the right to address state or local government authorities in Estonian, and to receive answers in Estonian. |
| Art. 52 | The official language of state and local government authorities |

shall be Estonian.⁶

Official and semi-official populist political rhetoric in Estonia also deserves attention when the issue of a single core nation is discussed. The typical reasoning, repeated over and over again, is the following: “Estonia is the only territory where we, (ethnic) Estonians, can have our state, protect and develop our language and culture. There is no other place for that in the whole world. That is why we, the Estonians, are entitled to certain privileges on this territory where we have lived uninterrupted already for 5000 years”. In other words, *the point of departure of ethnic democracy is the prevalence of ethnic nationalism that asserts an absolute, exclusive and indivisible right of an “ethnic nation” to a given country* (Smooha 1999:15).

Thus, the first feature of ethnic democracy is almost fully relevant.

Feature 2: *The state separates membership in the single core ethnic nation from citizenship.*

The state accepts the claim of ethnic nationalism that the ethnic nation is the single core ethnic nation and makes a strict distinction between it and other groups (Smooha 1999:15).

The Estonian State has accepted the claim of ethnic nationalism that the ethnic nation is the single core ethnic nation and makes a clear distinction between it and other groups. Art. 37 of the Constitution assumes that minorities have different languages from the state language (i.e. Estonian). Art. 1 of the Law on Cultural Autonomy for National Minorities (in force since 11 November 1993) states it more explicitly by defining that, in addition to other characteristics, minorities are citizens of Estonia, who

⁶ R. Ruutsoo (1998: 176) has also searched the Estonian Constitution for the privileges of ethnic Estonians. In addition to the articles mentioned above, he points out that Art. 8 (“Every child with at least one parent who is an Estonian citizen shall have the right, by birth, to Estonian citizenship.”) is establishing the privilege of ethnic descent for Estonians. However, this article does not refer to ethnicity; it does not even require one parent to be an Estonian citizen by birth. It is true that in 1992 almost all ethnic Estonians could become citizens automatically according to the Law on Citizenship, whereas the majority of non-Estonians living in Estonia could not. For that crucial period of time when the first after-war constitutional parliament was elected and economic reforms started, Art.8 helped create certain privileges for the Estonian ethnic nation, which were swiftly transformed into political and economic dominance. Hence, the understandable unwillingness of many Estonian politicians to allow for an easy acquisition of the Estonian citizenship through naturalisation. However, as naturalisation proceeds, the proportion of non-Estonians among Estonian citizens will grow and many more non-Estonians shall have the right, by birth, to Estonian citizenship in the future. Thus, in a longer perspective, Art. 8 will work against ethnic privileges for citizenship rather than support them.

“are **distinct from Estonians** [my emphasis – P.J.] on the basis of their ethnic, cultural, religious, or linguistic characteristics”, and who “are motivated by a concern to preserve together their cultural traditions, their religion or their language, which constitute the basis of their common identity”. Thus, minorities are defined as people who are (and want to be) different from ethnic Estonians.

The state tries hard to limit citizenship to members of the core ethnic nation, but citizenship is neither a necessary nor a sufficient condition for inclusion in the core ethnic nation (Smooha 1999:15).

The Republic of Estonia has tried to limit citizenship to members of the core ethnic nation by adopting language requirements which have been considered liberal by some experts, but which in practice, especially after 1995, were attainable for not so many non-Estonian applicants. However, no Estonian politician has expressed his or her surprise over the fact that those who have been unable to pass language requirements for citizenship, or who never even tried to do that, are almost 100 per cent Russian speakers. It only means that their exclusion was an expected outcome, which is seen by some analysts as necessary self-defence in the wake of a drastic decrease of the proportion of ethnic Estonians in the population of Estonia (almost 30 percentage points, from 90 to 62) under Soviet rule.

In Estonia, citizenship is definitely neither a necessary nor a sufficient condition for inclusion in the core ethnic nation. It follows directly from the Article 1 of the Law on Cultural Autonomy for National Minorities that citizenship is a necessary condition for inclusion in a *minority*, though not a sufficient condition.

The Estonians generally do not believe that “Russians can become Estonians”. The two groups are considered to be culturally too different for that. A civilisational border is believed to exist between Estonia and Russia.⁷ To cope with such a situation, and to respond to critical references from international organisations on the huge number of stateless persons living in the country, the Estonian Government switched in 1998 to a policy of national integration (Heidmets 1998). According to the official document adopted by the Government, this policy seeks to create conditions for full participation in society for the ethnic non-Estonian population, while both language communities

⁷ See Kirch (1994: 12).

continue to maintain their cultural identity.⁸ Thus, even if non-Estonians join the “civic nation” by becoming Estonian citizens, and learn the Estonian language, which they are expected to do under the policy of national integration, they will not necessarily be recognised as members of the core ethnic nation. Instead, they might be considered as something completely alien to Estonian society. At the start of the local election campaign in 1999, the editorial of *Postimees*, the largest Estonian language daily newspaper viewed the prospects of ethnic Russians, who are Estonian citizens, in these elections. The paper concluded that “it would be both sad and disgraceful if the capital of the Republic of Estonia will have a non-Estonian mayor.”⁹ There have been attempts to destroy the credibility of at least three prominent Estonian politicians by claiming publicly that their parents included non-Estonians, such as Russians or Jews.

The core ethnic nation may include citizens and non-citizens, and by the same token the non-core population may also include citizens and non-citizens (Smooha 1999:15).

It is a fact of life that the core ethnic nation includes citizens and non-citizens, mostly living in the Diaspora, and by the same token the non-core population in Estonia also includes citizens and non-citizens.

*Membership in the core ethnic nation is given, primordial and innate, though it could be achieved by a select few under certain conditions.*¹⁰ (Smooha 1999:15).

The ways of becoming a member of the core Estonian nation and of doing the same in Israel are obviously different. In Estonia, it is mostly a matter of linguistic (and cultural) assimilation. Unlike in Israel, no particular religious affiliation, let alone conversion, is needed. Estonians adhere to different faiths, including Russian Orthodox, while there is no state religion. Children from mixed marriages (one parent being Estonian), who are fluent in the Estonian language, have the best chances to be recognised as members of the core ethnic nation.

⁸ More recent documents on Estonian integration like *The State Programme “Integration in Estonian Society 2000-2007”* (see <http://www.riik.ee/saks/ikomisjon>) follow the same basic line.

⁹ *Postimees*, 30 July 1999.

¹⁰ For instance, the standard way to join the Jewish people is through religious conversion [Smooha’s note].

The state is primarily entrusted with the care of the core ethnic nation and only secondarily with the care of its non-core citizens. It is concerned with the preservation of the core ethnic nation and its members, even if they are non-citizens living permanently in the Diaspora (Smooha 1999:15).

As follows from the preamble of the Estonian Constitution, the state is primarily entrusted with the care and the preservation of the core ethnic nation and its culture. This has clearly emerged during the debates over the Estonian Law on School and Education. The first version of that law, adopted in 1993, decreed the closing of state sponsored Russian language gymnasiums (high-schools) by the year 2000, a more recent amendment postponed this deadline to 2007. The State is also concerned with the preservation of the core ethnic nation and its members, even if they are non-citizens living permanently in the Diaspora. Here, scarce resources restrict the practical steps of the State, but in case of need, textbooks and even teachers have been sent over to Estonian-language schools or classes abroad. At the same time, the State allocates budget money to support cultural activities of non-core groups in Estonia.

It may allow, encourage, or discourage the assimilation of non-core groups but always takes measures to prevent the assimilation, depopulation and decline of the core ethnic nation (Smooha 1999:15).

The Estonian State does not prohibit the assimilation of individual members of non-core groups. Individual assimilation is most commonly attempted when a non-Estonian family sends a child to an Estonian-language school. According to the Estonian Ministry of Education, in the 1996/1997 school year, around five per cent of first grade pupils at Estonian-language schools came from families in which Estonian was not the first language (Järve and Wellmann 1999:51). In 2000, the non-Estonians constituted only 20 per cent of the first grade pupils in Estonia (Saks 2000). However, a large-scale assimilation is not explicitly encouraged, nor implicitly wished, as Estonians do not think that they are able to assimilate 30-35 per cent of the country's population. Moreover, according to Art. 3 (2) of the Law on Cultural Autonomy for National Minorities, "it is prohibited ... to engage in any activity which is aimed at the forcible assimilation of national minorities". Still, David D. Laitin (1998) presumes that, in the future, the Russian-speakers in Estonia might choose, quite independently of the official

policies, to assimilate linguistically because of the anticipated economic benefits for themselves and their children.

The assimilation of Estonians (encouraged during the Soviet era in the form of cultural Russification) did not happen in Estonia. In 1989, after almost 50 years of Soviet rule, 98.94 per cent of Estonians in Estonia were speaking Estonian as their first language (Järve and Wellmann: 1999: 44). Ideological pressures aside, the Estonian cultural, educational and other institutions, which were allowed, or deliberately established and supported by the Soviet regime, functioned in the Estonian language contributing to the preservation of the Estonian culture. There is also no assimilation of Estonians into other cultures in Estonia today. Estonians are not allowed by law to take non-Estonian names (except when marrying), while non-Estonians can take Estonian names and they do. It can be interpreted as a measure preventing the assimilation of the core ethnic nation and allowing assimilation of the non-core groups.

Depopulation started in the aftermath of the restoration of independence in 1991 and is continuing at a rate of approximately 0.5 per cent of a whole population per year. It affects core and non-core groups of the population almost equally. So far, the State has been unable to alter this unfavourable development (Uibu 1998/1999). In 1999, the population decline in Estonia continued as in many other transitional countries.

Thus, the second feature of ethnic democracy is partly relevant.

Feature 3: *The state is owned and ruled by the core ethnic nation.*

It is the core ethnic nation that possesses and controls the state, not its citizens. The state is the embodiment of the core ethnic nation's right to national self-determination, the state territory is the exclusive homeland of the core ethnic nation and the state apparatus is a tool at the disposal of the core ethnic nation to promote its collective goals and the safety, welfare and success of its members. The state's official language, religion, national institutions, flag, anthem, emblems, stamps, calendar, names of places, heroes, days and sites of commemoration, laws (especially those regulating naturalization, immigration and ownership of land and businesses) and policies are biased in favor of the core ethnic nation, and members of the core ethnic nation expect and receive a favored status (Smooha 1999:16).

Apparently, the core ethnic nation in Estonia is not very confident that it possesses and controls the state. When asked in October 1999, "how much can people influence the activities of the Government, the Parliament, and the President?" respectively 83, 84 and 89 per cent of Estonians said "not at all". (The figures for non-Estonians were 84,

85 and 87, which only shows that the whole population of the country feels almost equally alienated from the political power.)¹¹ It has been a popular view that only a small part of the core ethnic nation (those in political power and the newly rich) possesses and controls the state. However, even this view is being eroded as foreign investors are taking under their control a growing number of banks, businesses, and media outlets in Estonia.

Estonians agree that the Republic of Estonia is the embodiment of their right to national self-determination, whereas the territory of Estonia is the exclusive homeland of the core ethnic nation. These views have been repeated in countless newspaper articles and in the speeches of different Estonian officials. Do Estonians regard the state apparatus as a tool at their disposal to promote their collective goals such as security, welfare and success? The answer to that question might not be so unanimous. The reason is that many Estonians do not trust state institutions and especially civil servants, which are suspected of placing their own personal interests and welfare above those of the people. The government bureaucracy, though overwhelmingly staffed with members of the core nation, is also mistrusted because of allegedly not protecting the national interests and yielding too easily to harmful outside pressure, be it from Russia, the OSCE, the European Union, or even the United States.

At the same time, the official language, national institutions, flag, anthem, emblems, stamps, calendar, names of places, heroes, days and sites of commemoration, laws (especially those regulating naturalisation, language use, immigration and privatisation) and policies of Estonia are biased in favour of the core ethnic nation, or have led to ethnically-biased practical outcomes.¹² Members of the core ethnic nation expect to enjoy a favoured status in general and on the labour market in particular when compared to individuals who are not fluent in the Estonian language.

¹¹ I am indebted to Dr. Marika Kirch of the Economic and Social Information Department of the Chancellery of the *Riigikogu* (Estonian Parliament) for providing these data from a public opinion survey "State and People" conducted on the request of the Chancellery of the *Riigikogu* by Saar Poll in October 1999. On this survey see: <http://www.riigikogu.ee/osakonnad/msi/indexhtml>.

¹² About ethnically biased outcomes of privatisation in Estonia, see Andersen (1999). Unequal privatisation might partly explain the persistently higher and faster growing unemployment among the non-core group. According to the *Estonian Labour Force Survey* of 1999, the unemployment of Estonians grew from 7.4 per cent in the 2nd quarter of 1998 to 9.2 per cent in the 2nd quarter of 1999, while the respective figures among non-Estonians were 13.8 and 16.4 per cent (see <http://stat.vil.ee/4market/toohoive/uuring.htm>).

Ethnic democracy creates an ethnic stratification of citizenship. Members of the core ethnic nation are first class citizens and only they have the option to define and contribute to the common good. Those who make the effort and contribute, get the special privileges of “good citizens”, while others remain rank and file members. Non-core members can hardly qualify as good citizens and are stratified according to citizenship rights (citizens, permanent residents, aliens) and other relevant features (Smooha 1999:16).

There is no clear ethnic stratification of citizenship. However, differences between the rights of citizens by birth and naturalised citizens do exist (most importantly, citizenship obtained through naturalisation can be revoked). As naturalised citizens belong mostly to the non-core group, it appears that the difference between citizens by birth (“first class”) and naturalised (“second class”) citizens will have an ethnic connotation for a few decades to come.

For the time being, the stratification of members of the non-core groups includes Estonian citizens, permanent resident aliens, temporary resident aliens, and citizens of foreign states. It is assumed that there are also tens of thousands of illegal residents in Estonia, i.e. persons (mostly belonging to non-core groups) who did not manage to change their old Soviet passports, or failed to complete other necessary legal procedures in good time and, as a result, have fallen out of the administrative system of the State.

The ethnic stratification of citizenship, or what looks like one, will hopefully wear off in a longer perspective. Yet, Smooha (1998:3) is right when he foresees that “after enfranchising a large minority, ethno-nationalist Estonia will have to use all kinds of restrictions, exclusions and privileges in order to distinguish between Estonian and non-Estonian citizens and to keep its character as both an Estonian and a democratic state.”

Actually, there seems to be no need to use “all kinds of restrictions, exclusions and privileges.” So far, in most cases, proficiency in the official language creates a distinction between citizens of Estonian and non-Estonian ethnic origin. It is highly probable that the ethnic stratification of citizenship will be replaced by a state language proficiency stratification of citizens. This system has been already introduced for those Estonian citizens who want to get elected to Parliament or to local government councils. The 1999 amendments to the Election Law make the right to be elected dependent on the person’s proficiency in the official language. So far, one elected citizen has been

deprived of his mandate by the court because of insufficient proficiency in the Estonian language.

Notions such as “good citizens” and their “contribution to the common good” do not allow for very clear-cut interpretations in the Estonian context. However it would be fair to say that the members of the core ethnic nation have the best options to define the common good. Still, everybody, including members of noncore groups, is free to undertake the effort and to contribute to the common good. For example, two female skiers, daughters of an ethnic Estonian mother and an ethnic Russian father, an ex-officer of the Soviet army (in political slang—an occupant), are national heroes, regardless of their “occupant” father and Slavic last name, due to their outstanding international achievements. Thus, one does not need to be a 100 per cent ethnic Estonian to count as ‘a good citizen’ who contributes to common good. Rather, if you contribute, you are regarded as ‘a good citizen’ regardless of your ethnic background. According to Art. 10 of the Law on Citizenship, Estonian citizenship may be granted to a limited number of persons yearly who have performed a special service to the State of Estonia. As a rule, they are persons of non-Estonian ethnic origin. In such cases, the requirements of residency, knowledge of the official language, of the Constitution and of the Law on Citizenship, obligatory for ordinary applicants, are waived. As stipulated by the law, “special service shall be accomplishments in science, culture, sports or in other spheres, which have contributed to Estonia’s international reputation”. Granting citizenship for special service can be seen as a form of recognition of ‘good citizens’ among non-core groups.

Thus, the third feature of ethnic democracy is partly relevant.

Feature 4: *The state mobilizes the core ethnic nation.*

The state fosters the national identity of the members of the core ethnic nation in order to ensure against their apathy and assimilation. But beyond this minimal fundamental goal, the cultivation of an exclusionary national identity and the provision of preferential treatment of core ethnic nation members aim to obtain their full consent, legitimacy, identification, support, participation and sacrifice for national projects (Smootha 1999:17).

The Estonian State fosters the national identity of the members of the core ethnic nation in order to ensure against their apathy and assimilation mainly through the educational system, citizenship procedures and language policies.

However, there is no state-sponsored cultivation of an exclusionary national identity of the core ethnic nation in Estonia. Beyond language policy, which is felt on the labour market, and especially in the employment of state officials, there are practically no other signs of preferential treatment of the members of the core ethnic nation which could be interpreted as aimed at obtaining their full consent, legitimacy, identification, support, participation and sacrifice for national projects.

The highest level of ethnic mobilisation of Estonians could be observed in 1988-1991, during the so-called singing revolution, when people demonstrated their full support for the idea of national independence, participated massively in popular movements, elections and referenda, to help replace the Soviet institutions with new ones. However, this mobilisation occurred spontaneously, and *before* the independent state was restored. Soon *after* the restoration of the Republic of Estonia in 1991, this mobilisation lost momentum as it had fulfilled its main task and brought a new political elite to power. The unity of this new elite, cemented originally by its anti-Soviet fervour, soon fell apart with the start of the era of political pluralism and party politics. In the course of subsequent ownership reform and the introduction of the market economy, the wellbeing of large groups of the population deteriorated quickly while differences of incomes and wealth soared. These changes, coupled with the politicised age differences, which helped the young nationalists to power in 1992, effectively destroyed the unity experienced by the core ethnic nation in 1988-1991 and brought apathy into its ranks. This disunity has been reinforced by the market economy, which has set different groups of the core ethnic nation against each other. The rural population, the traditional carrier of the core ethnic nation's identity, has been hit particularly hard by recent economic reforms.

Hence, the Estonian State is currently unable to mobilise fully its core ethnic nation. There are no generally accepted national projects in Estonia, which would enjoy the core nation's full consent, support, participation, and readiness for sacrifice. Even the existence of the state itself, the ultimate national project of 1988-1991, has been called recently into question by the debate on possible membership in the European Union. One of the arguments advanced by some members of the core nation in support of Estonia's membership in the EU is that Estonia simply cannot survive as an

independent state and take care of its security outside the EU.¹³ Again, readiness for sacrifice was explicitly declared in 1988-1991, during the period of high political mobilisation, only to be replaced by frustration later when it became clear that the real sacrifice was extremely unevenly distributed, as some groups were gaining economically and politically while the others were clearly losing. In 1998, 39 per cent of the population lived under the poverty line of 100 USD per family member per month.¹⁴

The concrete state undertakings vary but the grand design includes defense against a perceived or real threat, the continued construction or reconstruction of the core ethnic nation (ethnic nation-building) or a nation-state building (Smooha 1999:17).

Suffering from a lack of resources and trained military personnel, plagued with legal ambiguities, controversies and setbacks, Estonia has been building its defence forces from the scratch to counter the perceived threat stemming from the unpredictability of political developments in Russia. The Estonian political elite is seeking NATO membership for the country and has reached a consensus to swell the country's defence expenditures to two per cent of the GDP for that purpose. Periodically, in connection with the local elections, the State tries to mobilise the ethnic nation for active participation in voting to avoid the non-core nation's take-over of some local governments. However, these calls have failed to stop the decline in the activity of voters. The turnout of voters at the local elections in October 1999 was, for the first time after 1992, below 50 per cent. Yet, the participation rate among citizens was still higher than among non-citizens.¹⁵

Simultaneously, the reconstruction of the core ethnic nation is in process (e.g. ousting the so-called *old nomenklatura* from influential jobs and replacing them with

¹³ See the debate on Estonia's possible EU membership at: <http://www.euro.ee/> (in the Estonian language). On 22 July 2000, there were 1751 votes 'for' and 2055 votes 'against' the EU membership cast at that site..

¹⁴ See *Postimees*, 27 September 1999.

¹⁵ In Estonia, non-citizens and foreign nationals who are permanent residents have the right to vote in local elections. According to the Estonian National Electoral Committee, 50.9 per cent of eligible citizens and 43.0 per cent of eligible foreigners (non-citizens and foreign nationals) participated in the local elections of 1999. The overall participation rate was 49.4 per cent. In the local elections of 1996 and 1993, this rate was respectively 52.1 and 52.6 per cent (see http://www.vvk.ee/k99/yld_press.stm).

young people and Estonians from abroad), while nation-state building is still considered an important, though not yet accomplished task.

Members of the core ethnic nation are called upon to contribute to and to make personal sacrifices for the national interests and they are rewarded by special privileges (Smooha 1999:17).

In recent years, the members of the core ethnic nation have not been called upon to make personal sacrifices for the national interest. Such calls would be politically very sensitive and could backfire because of the drop in the wellbeing of large groups of population. No legitimate special privileges in return for personal sacrifices are known to exist in Estonia. Public opinion considers the pensions of the retired MPs as scandalously high, but this privilege is not dependent on the ethnicity of MPs.

Since mobilization of the masses by the state is the characteristic of ideological societies, ethnic democracies are ideological states with relatively weak civic societies and private domains (Smooha 1999:17).

Although Estonia, in comparison with advanced democratic countries, has a relatively weak civic society and private domain, it cannot be regarded as an ideological society. Estonia has no ideology, which could be compared with Zionism in Israel, for example. There is no state religion in Estonia. The Estonian State is currently unable to mobilise the core nation to any significant degree. At the present time, there are no generally perceived imminent threats, no state of emergency. The State and its inhabitants are pre-occupied with their own everyday problems, while attractive ideas, which could mobilise the masses, are lacking. Even the striving for EU and NATO membership, largely prompted by lingering Russophobia and pursued quite energetically by state institutions and the media, has so far failed to muster the unanimous support of Estonians.¹⁶ Judging by the participation in elections, the political mobilisation of citizens on the national level is declining.¹⁷

¹⁶ See the results of an Estonian public opinion survey by Saar Poll in November 1999 at: <http://www.saarpoll.ee/euronov99.htm> According to these results, support for the idea of membership in the EU and NATO is growing. Yet, only 45 per cent of Estonians of voting age would have voted for NATO membership, and only 38 per cent of eligible voters (more than 80 per cent of them belonging to the core nation) would have supported Estonia's membership in the EU at the referendum if held in November 1999. Paradoxically, the strongest support for EU membership was recorded among young,

Thus, the fourth feature of ethnic democracy is almost irrelevant.¹⁸

Feature 5: *Non-core groups are accorded incomplete individual and collective rights.*

Ethnic democracy qualifies as a democracy according to the standard criteria of the extension of rights to the entire population, including non-core groups. Certain rights might be either missing or not fully given. Four kinds of individual rights are granted: Human rights (such as dignity, physical safety and equality), social rights (including entitlement to housing, health, employment, minimal income and education), civil liberties (including the right of assembly and association, freedom of the press and independent judiciary) and political rights (including the right to vote and to stand for election, a multi-party system, change of governments through fair elections and lack of military or foreign intervention in the political process). In addition, since non-core groups are recognized by the state as distinct and separate groups, they are endowed with some collective rights. They are usually allowed to hold separate religious institutions, schools and cultural organizations and activities (Smooha 1999:17-18).

Inhabitants of Estonia, regardless of citizenship, have been accorded human rights, social rights and civil liberties (Art. 9 of the Constitution). Political rights of non-citizens, who belong to the non-core group, are incomplete. Non-citizens have the right to vote at local elections, but they cannot stand for any office, nor vote at national elections. According to Art. 48 of the Constitution, they can neither form nor belong to political parties.

A new controversial development is that citizens of Estonia may also find their political rights circumscribed if their proficiency in the official language is proven to be insufficient. This does not seem to be in harmony with the Art. 12 of the Constitution which states that “No person may be discriminated against on the basis of nationality, race, colour, gender, language, origin, religion, political or other beliefs, financial or social status, or other reasons.”

urban, non-Estonians with university education while the strongest opposition was expressed by elderly rural Estonians without university education.

¹⁷ At the last national elections in March 1999, the overall participation rate was only 57 per cent, or 12 percentage points lower than during the previous national elections of 1995.

¹⁸ I am indebted to Aleksí Semjonov for the observation that this feature reflects the specific experience of the State of Israel, the corenation of which has had to keep up a permanent state of emergency to survive in a very insecure political environment ever since 1947. The question is whether such a high mobilisation can be maintained when existential threats to the state have become less acute, and whether there is still a need for any broad mobilisation of the core nation after the regime of ethnic democracy has been institutionalised. Yet, a high mobilisation of the core nation seems necessary for the institutionalisation of ethnic democracy, which certainly needs a clear expression of the will of the core ethnic nation in referenda, elections, etc.

Formally, Estonian citizenship is available to all those individuals who meet the requirements of the law regardless of their ethnic origin, religion, first language, etc. However, in practice, many members of the non-core groups in Estonia are unable to meet these requirements. They are equal before the law, but they are not equal before the citizenship exams. As some of them are unable to pass the exams to acquire citizenship, they remain without certain rights. Are these rights just missing, or were they not fully given? In the debate on this issue the core group and non-core groups are exchanging accusations. The core group argues that the citizenship requirements could be met easily if the members of the non-core groups were trying hard enough. The non-core groups argue that they have been confronted with these requirements quite deliberately and unexpectedly, that they have very limited resources to allocate to language studies, and that they deserve citizenship on easier terms as permanent residents of which more than 40 per cent have been born in Estonia.

Yet, in some cases, naturalisation is ruled out by the law. Explicit refusal to grant citizenship is stipulated in Art. 21 of the Law on Citizenship (adopted on 19 January 1995). It applies to six categories of persons (1) those who have knowingly submitted false information in applying for citizenship; (2) those who do not observe the constitutional state system of Estonia; (3) those who have acted against the state of Estonia and its security; (4) those who have been sentenced to imprisonment for a period exceeding one year for a criminal offence and who are not considered as rehabilitated with a spent sentence or who have been punished repeatedly for an intentional criminal offence; (5) those who were or are employed by the intelligence or security service of a foreign state; and (6) those who have served in a career position in the armed forces of a foreign state and their spouses. All these persons are not eligible for Estonian citizenship if not Estonian citizens by birth.

Not all non-core groups are endowed with equal rights. The Law on Cultural Autonomy for National Minorities grants a collective right to form a Cultural Autonomy only to those minorities, which have at least 3,000 Estonian citizens as members. Art. 2 of the Law prescribes that “national minority cultural autonomy may be established by persons belonging to German, Russian, Swedish and Jewish minorities and persons belonging to national minorities with a membership of more than 3,000.” It means that, besides the minorities mentioned in the Law, only the Ukrainian, Belorussian, Finnish

and Tatar minorities are currently numerous enough to have a chance to qualify for this right, if they are able get over 3,000 Estonian citizens in their ranks. Smaller non-core groups have no right to organise as a cultural autonomy. So far, no minority has used the law.

The state in ethnic democracy sees political rights as an extremely pivotal privilege and practices a policy of restricting them as much as possible to core ethnic members. However, due to a commitment to democracy, international pressures or other pragmatic reasons, they extend political rights (Smootha 1999:18).

The current naturalisation process in Estonia is a politically sensitive, cautious and slow inclusion of non-citizens, which is carried out partly due to international support and pressure. Nevertheless, naturalisation has brought new members to Estonian citizenry. It is estimated that at the end of 1998 among Estonia's current population almost 80 per cent held Estonian citizenship, 13 per cent (mostly Russian-speakers) were stateless persons, whereas some seven per cent were citizens of other states, mainly of the Russian Federation.¹⁹ This means that, among the citizens of Estonia, there are about 200,000 persons who are not Estonians, which represents about 18 per cent of all Estonian citizens. Approximately half of them have acquired citizenship after 1992 through naturalisation.

Thus, the fifth feature of ethnic democracy is partly relevant.

Feature 6: *The state allows non-core groups to conduct parliamentary and extra-parliamentary struggle for change.*

The standard avenues for protest and struggle for change are available to noncore group members who are citizens of Estonia. They can vote at national elections and stand for office. They have petitions, media, courts, political pressures, interest groups, lobbying, demonstrations, strikes and other legal means at their disposal to effect changes in their status without having to face repression by the Estonian State and violence by the core ethnic nation in reaction. However, the noncore group as a whole remains under-represented in the Estonian Parliament ever since 1992 as many

¹⁹ See <http://www.vm.ee/eng/estoday/1999/02cits.html>.

members of the group have no citizenship and cannot vote. Still, the non-core group members can vote at local elections regardless of their citizenship.

Thus, the sixth feature of ethnic democracy is partly relevant.²⁰

Feature 7: *The state perceives the non-core groups as a threat.*

The state and the core ethnic nation perceive the non-core groups as a threat. The threat may vary considerably in nature (real or apparent) and contents. Threats may include demographic increase and preponderance (swamping), excessive political power, unfair economic competition, downgrading of the national culture, dilution of the “pure ethnic stock,” a national security risk, loyalty to an external homeland and unrest and instability. Perceived threats are widespread in different kinds of democracy, but only in ethnic democracy they are an integral part of the system, enduring and obsessive (Smooha 1999:19).

The Estonian press publishes regularly articles and letters to the editor, which stress that the non-core population, especially Russians, pose a threat to Estonia. Sociological polls have shown that the core nation has remained quite conservative in citizenship issues, in fact supportive of official policies (Kruusvall 1998). Smith (1998:45-47) has identified three steps how the exclusionists among the Baltic politicians were able to legitimise the marginalisation of the Soviet era migrants in Estonia and Latvia. First, these migrants were labelled as illegal migrants. Second, by equalling “Russians” to “the Soviet or Russian empire”, Russians were successfully represented as “fifth columnists”, dangerous to the security of the state. Finally, Russian settlers were also represented as a threat to the cultural self-preservation of Estonians and Latvians.

The Estonian citizenship policy has produced questionable side effects. Almost 100,000 residents of Estonia (7 per cent of the whole population) have become citizens of foreign states (mostly of the Russian Federation). Estonia has the largest colony of the citizens of the Russian Federation in any state outside Russia. This can be

²⁰ During the discussion at the March 1999 conference in Haifa, Smooha argued quite resolutely that, in the case of Estonia, this feature is fully irrelevant and, therefore, Estonia can qualify neither as a democracy proper, nor as an ethnic democracy. However, as shown at the beginning of this chapter, half of the non-core group, if we leave foreign nationals aside, are Estonian citizens and, in fact, part of an ethnic democracy as defined by Smooha. Moreover, all permanent residents of Estonia, regardless of ethnic origin and including citizens of foreign countries, can vote at local elections. Based on these considerations, I have evaluated this feature of ethnic democracy as partly relevant for the current situation in Estonia. Yet, almost half of all non-Estonians, who are not foreign citizens, have only limited political rights in Estonia as they lack citizenship. While 15 per cent of the population without citizenship is definitely too much, it remains unclear at which percentage point the problem would be dismissed, especially in the context of accession to the European Union.

considered as a potentially destabilising factor. Here, the Estonian political elite has fallen into a self-fulfilling prophecy—Russian-speakers are being kept out of the citizenry for their assumed potential disloyalty to the Estonian State. This has pushed many of them to apply for Russian citizenship, which, in turn, is interpreted as the ultimate proof of their disloyalty.

However, as already referred to above, changes in the State's perception of the non-core groups are under way. In February 1998, the Government of the Republic of Estonia adopted the policy document "The Integration of Non-Estonians into Estonian Society. The bases of Estonia's national integration policy." Among the goals of the State in forming a policy on non-Estonians, declared in the document, are the following:

To change attitudes in addressing issues related to non-Estonians. The attitude "non-Estonians as a problem" must be replaced by the attitude "non-Estonians as participants in rebuilding Estonia". The key issue here is expression of the state's interest and attitude toward the potential of non-Estonians in Estonia, particularly of the new generation. Only a clear expression of the interest of the state in issues related to non-Estonians can create the political atmosphere necessary for true integration, including readiness to participate among non-Estonians;

and:

Significant reduction in the numbers of persons with undetermined citizenship in the Republic of Estonia. The Estonian state is interested in a population with a clearly defined legal status. We want that non-Estonians in Estonia would be predominantly Estonian citizens. The state is interested in making the naturalisation process more efficient and in providing it with both political and material support. We must promote the development of children born in Estonia into Estonian citizens, regardless of nationality of their parents (Järve and Wellmann 1999: 41).

This declaration is in sharp contrast to previous attitudes, especially in 1992-1993, when Estonia was about to declare unilaterally that all post-1940 non-Estonian settlers were citizens of Russia (Ernits 2000). Both Estonians and non-Estonians have met this policy document and the subsequent *State Programme "Integration in Estonian Society 2000-2007"* with mixed responses. While some Estonians agree with the idea of integration, others still consider it as a threat to the core nation. While some non-Estonians support the integration programme, others say that it is aimed at the assimilation of non-Estonians.

Thus, the seventh feature of ethnic democracy is partly relevant.

Feature 8: *The state imposes some control on non-core groups.*

Since members of non-core groups suffer from personal and institutional discrimination, cannot enjoy full equality and cannot completely identify themselves with the state, their loyalty is considered problematic. They are also perceived as a threat to the order and stability of society. Moreover, their protest and struggle are feared of leading to escalating demands and to illegal actions and violence. Even if the record shows that they are by and large law-abiding people, their potential disloyalty is assessed as significant and occasional incidents of law violation on their part reinforce suspicion and apprehension. For these reasons non-core groups in ethnic democracy are targets of the security forces. Their participation in the security forces, access to sensitive information and recruitment to posts of trust are restricted. (Smootha 1999:19).

There is no data available on the amount of attention that the Estonian security forces are paying to the non-core population. In the media, though, one can often read articles calling for vigilance towards the non-core population—the alleged fifth column of unpredictable and ever-aggressive Russia.²¹ Where state control may be lacking, the control executed through the media and public opinion compensates by far. As criminality in the non-core groups generally tends to be higher than in the core nation—and this is the case in Estonia—it is not excluded that the non-core group might attract considerable attention of the police and other law enforcement bodies. Moreover, veterans of the Soviet Army and their family members—who belong to the non-core population—are officially regarded as a potentially high source of danger.²² The non-core groups are clearly under-represented in the structures of executive power. However, non-Estonians are serving in the police and are conscripted to the armed forces where they are offered crash-courses in the Estonian language. It has been proposed, though in vain, that even stateless non-Estonians be called to serve in the army.

Hallik and Pettai (1999) emphasise rightfully that, in Estonia, non-granting of citizenship is used to control the non-core population. In addition to that, a complicated system of residency permits has been designed which forces non-citizens to elbow their way through a bureaucratic maze. In order to file their applications and get the

²¹ The Estonian-language chat-rooms in the Internet, such as www.delfi.ee, while discussing ethnic issues, produce a characteristic mix of Russophobia, hate speech and calls for vigilance.

²² This is an estimated group of 20-25 thousand people, who live in Estonia according to a special treaty of 1994 between Estonia and Russia. Their pensions, which are higher than average pensions in Estonia, and their medical insurance are paid for by the Russian Federation.

necessary permits, the issuance of which stands at the discretion of the officials, they must spend a lot of time in long queues every five years.²³

Concerning the use of citizenship as a control mechanism, it should be reminded that the introduction of this measure created a serious political crisis in 1993 in the north-east of Estonia (see more about this crisis below in the chapter “Legitimacy and Stability”). It should also be borne in mind that, in 1991-1992, the inversion of minority-majority roles occurred in Estonia. Obviously, such a major change in inter-ethnic relations, coupled with the establishing of control over new minorities, entails considerable risks. Nothing can be more conducive to a serious aggravation of inter-ethnic relations than the sudden deprivation of the traditional rights and freedoms of certain ethnic groups, even if some new rights and freedoms are accorded. The latter, such as the freedom of speech and association, will be immediately used to remonstrate about the loss of the former.

Thus, the eighth feature of ethnic democracy is partly relevant.

IV. CONDITIONS OF ETHNIC DEMOCRACY

According to Smooha, it is possible to spell out certain conducive, but neither necessary nor sufficient, conditions that generate and sustain ethnic democracy. Their listing aims to inform and sensitise historical and comparative studies of some of the factors that are worth examining in order to understand the development and sustainability of ethnic democracies (Smooha 1999: 20-22).

I have found that different variations of these conditions are present in the case of Estonia (Table 2). Only the tenth condition—*Transition from a non-democratic ethnic state*—has actually no relevance for Estonia.²⁴ Instead, a transition from a non-democratic and non-ethnic state has taken place, together with an inversion of minority-majority roles. This inversion is typical of many post-Soviet states, including, surprisingly, even the Russian Federation, some subjects of which are seeking to establish legal privileges for respective titular nations vis-à-vis other ethnic groups,

²³ *Eesti Päevaleht*, 17 and 21 June 2000, 7, 13 and 15 July 2000.

²⁴ Smooha (1998: 15) has made the same conclusion.

including Russians.²⁵ Therefore, I suggest that one more condition—*Transition from a non-democratic and non-ethnic state with the inversion of majority-minority roles*—be added to the discussion.

V. LEGITIMACY AND STABILITY

Legitimacy and stability are two fundamental issues of ethnic democracy (Smooha 1999:23).

In the case of Estonia, the legitimacy discourse is most clearly highlighted by the debate over citizenship issues. In this debate, two opposite views have emerged. The Estonian side justifies the established political regime in general and the existing legislation in particular by articulating collective rights of Estonians on their historical territory, stressing the need to protect Estonian culture and to undo the injustice that Estonians suffered during the years of Soviet occupation. Thereby, non-Estonians, and particularly Russians, are often explicitly identified as tools of that occupation. Therefore, their non-recognition as citizens is regarded legitimate by many Estonians.

The non-Estonian side does not discuss history, rejects all accusations that assume their collective guilt as former occupants, and criticises the Estonian State for not adhering to the international standards of individual human rights and the rights of persons belonging to minorities. To the non-core groups, the legitimacy of the current regime in Estonia is problematic. While Estonians stress the importance of learning the Estonian language in the process of acquiring citizenship, the non-Estonian side calls for lower language requirements for citizenship applicants, advocates double citizenship for ethnic Russians, and some sort of official status for the Russian language in Estonia.

For the core ethnic population, the legitimacy of the regime is challenged on different grounds such as questionable moral standards of the elite and its insufficient administrative capacity. The Estonian elite found itself somewhat unexpectedly in charge of the country in 1991, but its start was bold. However, the ensuing political pluralism soon degenerated into annoying internal friction of the ruling elite. Virtual

²⁵ About strained relations between the titular nation and Russians in the Republic of Adygea, for example, see *Nezavisimaya gazeta*, 11 January, 11 February, 30 May and 20 June 2000. *Nezavisimaya*

lack of democratic experience and civil society, shaky personal morals, coupled with irresistible temptations of swift individual enrichment created by the redistribution of state ownership, produced a political and economic reality that was shocking when compared with initial expectations. Looming in the background was an existential fear related to the physical and cultural survival of the core ethnic nation, topped by the anxiety that the independent state might be lost again in an unpredictable international environment. In this context, the noncore population of Estonia and the Russian Federation, the cultural homeland of the absolute majority of noncore group members, were often identified as highly potential sources of trouble. In this situation, many Estonians became quite convinced of the righteousness and legitimacy of the official citizenship policies.

However, the problem is that Estonian claims of legitimacy might not translate easily into stability. Concerning the challenges to stability, a distinction has to be made between short-term effects and possible long-term consequences of the citizenship policies. In other terms, there are the immediate effects of the institutionalisation of ethnic democracy, and the long-term consequences of the functioning institutionalised regime of that type on stability. For example, the initial stage of the enforcement of Estonian citizenship policy provoked a major political crisis in the north-east of the country, where the concentration of non-Estonians is highest, in connection with the 1993 local elections. The majority of local community leaders, being non-citizens, could not run for office and separatist moods in the region became very strong. Even an illegal referendum on regional autonomy was staged. Ironically, the Estonian government could defuse the crisis only by granting citizenship to those local leaders “for special service to the state of Estonia,” enabling them to be elected. After that, it has been generally held that Estonia is skilfully sailing the rough waters of interethnic relations as no headline-making outbursts of violence on ethnic grounds have happened. Internationally, Russia has demonstrated restraint by sending mixed messages about its concerns over the treatment of Russians in Estonia, and regional stability did not seem to be in great danger. After the adoption of the Alien’s Law in 1993, Estonia was more annoyed by the critical remarks of the OSCE, its High Commissioner on National Minorities, the Council of Europe, and recently also of the European Union—to which

it had to react by changing legislation or administrative practice—than by the criticisms of Russia, which was not suspected of having a good attitude towards Estonia from the outset.

Yet, in the long term, the domestic price of the noninclusion of non-Estonians is their gradual economic and political marginalisation, which leads to lumpenisation and criminalisation of members of the non-core groups. Especially alarming is a disproportionately high rate of drug addiction, as compared to Estonians, among the young non-core generation. In this perspective, citizenship as a control mechanism in the State's hands might well have ceased to work as originally intended. Estonia seems to be gambling with the dilemma of whether it can accomplish political and social integration of the non-core groups before major domestic instability can develop as a result of the alienation of non-Estonians. This threat is aggravated by a large section of the non-core group (35 per cent of the whole population of Estonia), which could be regarded as a challenge to stability in its own right, regardless of any laws, policies or administrative practices. But as Smootha (1998:3) notes, “stability and instability of any system, ethnic democracy included, is an empirical question.” Therefore, no firm predictions can be made at the moment, only some possible threats could be identified above.

VI. ETHNIC DEMOCRACY: ANALYTICAL TOOL OR POLITICAL AGENDA?

During the March 1999 conference in Haifa, where Israel, Northern Ireland, Estonia, Slovakia and Germany were compared as alleged cases of ethnic democracies, Professor Smootha claimed that his model of ethnic democracy is a purely analytical tool. However, not all participants were convinced. Some of them criticised the model for having a hidden political agenda—to legitimise and justify a political regime, which systematically discriminates against minorities, by calling it democratic. This controversy was not resolved during the conference and diverging views have persisted.

The controversy stems from the fact that both basic concepts—‘democracy’ and ‘ethnic’—are value-loaded. While the former has acquired a positive connotation in most contemporary polities, the latter designates a principle of politics, which is

considered dated and potentially dangerous. 'Ethnic democracy' as an analytical tool is hard to compare with such practically 'value-free' concepts as 'normal distribution', or 'standard deviation', for example. However, a total elimination of values from social and political analysis cannot be regarded as a realistic enterprise. Therefore, we should take note of what kind of values we are dealing with.

Generally, the concept of 'ethnic democracy' can be challenged on five different grounds:

- (1) as a contradiction in terms like 'square ring', or 'hot ice' (For some, however, 'liberal democracy' may pose the same problem.);
- (2) as a defamation of democracy by linking it to the ethnic principle in politics;
- (3) as a justification of the ethnic principle in politics by linking it to democracy;
- (4) as a defamation of a political regime in a State which claims to be a 'liberal' or 'participatory' democracy;
- (5) as a justification of a political regime in a State which is perceived as nationalistic and oppressive.

These challenges assume that 'ethnic' and 'democratic' are related to opposite values, that they are based either on different evaluations of 'ethnic' and 'democracy', or that they are based on different evaluations of a given political regime.

To overcome the controversy of values inherent in the notion of "ethnic democracy" and to create the conditions for the comparative study of different ethnic democracies, for which Smooha (1999: 3) calls in order to advance the proposed model beyond its current stage, research has to go broader and deeper. By "going broader" I mean that the concept of 'ethnic democracy' should be placed into the context of regime change from authoritarian to democratic. Ethnic democracy should not be considered as an end station, at which a country has arrived, but rather as a part of its eternal journey towards a more democratic society. Instead of statements like "Country X is an ethnic democracy," or "Country Y belongs to subtype A of ethnic democracy," one should try to arrive at conclusions like "Country X is currently in interval E of trajectory T of regime change," where T stands for a specific trajectory from authoritarianism to democracy through an "ethnic" phase E. No doubt, before such conclusions can be reached, it has to be established (and agreed upon) that such trajectories of regime

change do exist. In particular, we have to find out about the trajectory of transition from authoritarianism to democracy. Does ethnic democracy have a place and a role on this imagined line of political development? Is ethnic democracy a step from an authoritarian regime towards a consolidated democracy, or is it rather a trap that should be avoided? To be sure, there are many more questions like these.

In my opinion, a typology of state-, nation-, and democracy-building strategies in multinational polities, proposed by Linz and Stepan (1996, 428-429), provides a clue for such a trajectory. These authors base their typology on the interaction of two dimensions: 1) state-building strategy; 2) the nation-building strategy. In the state-building strategies, state policies toward citizenship rights of the minorities can be inclusive or exclusionary. In the nation-building strategies, the ideology can be that the demos and the nation should be the same, or that minorities can be accepted within the demos, i.e. that demos and nation can be different. This gives four different types. In Type I, the preferred option might be the expulsion of the aliens, i.e. nontitular inhabitants. In Type II, non-titular residents are given civil rights, but not political rights as they are excluded from citizenship. In Type III, the minorities are allowed to participate politically only if they assimilate into the dominant culture. Minority rights are not given any special recognition. Finally, Type IV combines liberal democracy with diversity. All people are given fully individual political rights, and additionally, minorities are given some group rights. Linz and Stepan (1996: 430) place “ethnic democracy” in Type II, and admit that such a regime would not satisfy the criterion of democratic inclusiveness. The authors also discuss possible movements from one type to another. They identify the Estonian rejection of Type IV, and they reject in their turn the Estonian claim that the country is on its way to Type III, placing it in Type II, i.e. into ethnic democracy, for the foreseeable future (Linz and Stepan 1996: 432-433). If we take into account that Type I has been the onetime sweet dream of Estonia, which never materialised, that Estonia is now in Type II, has claimed to be on its way to Type III, but under international pressure and due to global factors might have to move, albeit reluctantly, to the Type IV, we get a sort of trajectory.

By “going deeper” I mean that the features of ethnic democracy need to be “translated” into measurable economic, sociological, or other indicators as comparative methods generally gravitate towards quantitative comparisons. On the basis of these

indicators, indexes could then be composed and different countries compared quantitatively. In their present form, the features provide a necessary starting point for comparative evaluation of different states but they do not enable us to use quantitative methods for comparisons.

VII. CONCLUSIONS

Estonia can be identified as a mixture of ethnic democracy and a system of control—a combination which satisfies the weak definition of ethnic democracy given in this paper. The legal foundations of ethnic democracy in Estonia are to be found in the Preamble of its Constitution.

My application of the model of ethnic democracy has demonstrated that two out of the eight features of the model are critical for the existence and nature of ethnic democracy in Estonia and probably elsewhere. The first feature (“ethnic nationalism installs a single core ethnic nation in the state”) must be fully relevant, otherwise there would be no ethnic democracy. A full relevance of this feature is a *sine qua non* of ethnic democracy, regardless of whether it satisfies a strong or a weak definition. Actually, this is the only feature, which is fully relevant for Estonia. The sixth feature (“the state allows non-core groups to conduct parliamentary and extra-parliamentary struggle for change”) determines whether a strong or a weak definition of ethnic democracy applies. The full relevance of this feature satisfies the strong definition of ethnic democracy. However, a weak definition applies to Estonia, as this feature is only partly relevant in its case. The application of the model showed that a partial relevance of the remaining features can be considered sufficient for the existence of ethnic democracy in Estonia. A peculiarity of the Estonian case is that, by now, the fourth feature (“the state mobilises the core ethnic nation”) is irrelevant. This feature corresponds to the specific experience of Israel, but its relevance is very likely at the initiation of ethnic democracy, no matter where. However, after ethnic democracy has been institutionalised and when the international environment so allows, the continuation of a high mobilisation of the core ethnic nations loses its rationale and transforms into more relaxed forms of participation, what has happened in Estonia.

Concerning the conditions of ethnic democracy identified by Smooha, I am suggesting that in the case of many post-Soviet states, an additional condition—transition from a non-democratic and non-ethnic state with the inversion of majority-minority roles—might apply.

It is important to distinguish to what extent the regime of ethnic democracy is institutionalised formally by legal means, and to what extent it is based on other manifestations of ethnic nationalism. The latter is rooted in the public opinion of the core ethnic nation in the form of various “unwritten rules”, phobias and prejudices, which shape public discourse and attitudes in the media, and which are followed on a daily basis by officials at different levels of administration.

The Estonian Constitution and many laws were created as a part of the political agenda of restitution to help restore the prewar republic and save the ethnic nation from becoming a minority on its own traditional territory. Therefore, the open agenda of these legal acts was to promote the ethnönationalist aspirations of Estonians, the core group, whereas their hidden agenda was to encourage the reemigration of Russians and other non-titular groups from Estonia to their historical homelands.

The peculiarity of the situation is that no need was discerned to introduce the ethnic principle into Estonian legislation explicitly, except in the Preamble of the Constitution. The restoration of the pre-1940 citizenship was enough to exclude from the citizenry those who had settled in Estonia between 1940 and 1991. A purely legal principle worked as an ethnic one, because the absolute majority of those postwar immigrants were non-Estonians by their ethnic origin. At the same time, those non-Estonians, including tens of thousands of Russians, who were or whose ancestors were citizens of Estonia in 1940, became citizens of Estonia in 1992 almost automatically. This fact supports the official claim that the citizenship policy of Estonia in 1992 and onward has nothing to do with the ethnic principle and is in harmony with international legal standards.

The nature of the young legal system of Estonia is that the Constitution refers in many cases to laws, and these laws, in turn, often make it the responsibility of the executive power to work out the necessary details and implementation procedures. As a result, the eventual implementation of laws is largely at the discretion of civil servants, the absolute majority of which are recruited from the core ethnic group. If they

personally feel like putting the interests of this group first, they can do so. In that case, an ideologically-biased implementation of laws can follow and the features of ethnic democracy might take shape even if the laws are in no formal contradiction with international human rights standards.

Prioritising the preservation of individuals and groups is an understandable and fully acceptable human aim. Usually, it goes without saying. Therefore, making the preservation of one ethnic community and its culture an exclusive principle of a constitution is called into question as potentially counterproductive in a democratising world where multiethnic conditions prevail. The noble aim of the preservation and development of an ethnic community may be served better if all ethnic groups living under one constitution are given guarantees for their self-preservation.

APPENDIX

TABLE 1:
RELEVANCE OF FEATURES OF ETHNIC DEMOCRACY TO ESTONIA

Feature	Relevance*	Relevance according to Smooha**
1. Ethnic nationalism installs a single core ethnic nation in the state.	2	“Estonian ethnic nationalism ... claims an exclusive right to the historical land of Estonia despite the fact that the territory was ruled for centuries by other peoples. The fact that ... Russian speakers have lived in Estonia in large numbers for decades is not considered relevant for bestowing any right to the country on non-Estonians.”
2. The state separates membership in the single core ethnic nation from citizenship.	1	“[Estonia] sharply distinguishes between Estonians and non-Estonians. It does not create a new, non-ethnic, civic, all-Estonian nation... There is not even a term in the Estonian language to indicate “Estonian citizen”... Estonia has a law similar to Israel’s Law of Return.”
3. The state is owned and ruled by the core ethnic nation.	1	“Estonia is quite similar to Israel in this respect. The state is appropriated by the Estonian people and aims to serve them, not its citizens, It sees itself as the protector of the Estonian people, culture, language and interests.”
4. The state mobilises the core ethnic nation.	0	“Estonian ethnic nationalism with restoration at its centerpiece dominate the thinking and behavior of the Estonian elites and masses. ... The country needs the support for some of its ethnic policies, which are rejected by the Russian-speaking minority and to some extent also by the outside world. ... The state does not mobilize the non-Estonian population and expects it to remain inactive and compliant. The new policy adopted by the Estonian government on integrating the non-Estonians aims at damage control and harnessing the resources of the non-Estonian population for furthering Estonian interests.”

5. Non-core groups are accorded incomplete individual and collective rights.	1	“Estonia is obviously the most weakest on this score since it denies most of it minority members citizenship. Legal and social inequality is much greater in Estonia than in Israel.”
6. The state allows non-core groups to conduct parliamentary and extra-parliamentary struggle for change.	1	“The situation of minorities in Estonia in this regard is evidently much worse than in Israel. Since most Russian speakers are not citizens, they cannot use the vote and other parliamentary politics to protest and affect their predicament. ... This situation is potentially prone to breaching law and order and resorting to violence. ... The acquiescence of the Russian-speaking minority is therefore paradoxical and needs explanation.”
7. The state perceives non-core groups as a threat.	1	“[The] Russian-speaking minority are perceived as a national threat. As part of the Russian Diaspora, they may feel loyal to Russia and turn to it as an external homeland for protection and intervention on their behalf. The demographic proportion of the Russian speakers is formidable. If they become citizens and constitute a third of the population, they will have the power to decide Estonian politics if and when it become divided by camp and ideology. With such large weight they can even bargain for constitutional changes and turning the state into a, bilingual, bicultural and binational state.”
8. The state imposes some control on non core groups.	1	“Control in Estonia operates mostly through the denial of citizenship. ... Since political protest and activities are limited to citizens, the authorities have the powers to prohibit the use of politics and protest by Russian speakers.”

* The author’s evaluations: ‘0’ indicates that the feature is almost irrelevant, ‘1’ indicates that the feature is partly relevant, ‘2’ indicates that the feature is almost fully relevant.

** The evaluations are quoted from (Smootha 1998)

TABLE 2:
THE CONDITIONS OF ETHNIC DEMOCRACY AND ESTONIA

Conditions by Smooha (1999)	Estonian Situation
1. The core ethnic nation constitutes a solid numerical majority.	Ethnic Estonians constituted 65.2 per cent of the population of Estonia as of 1 January 1998.
2. The non-core population constitutes a significant minority.	The non-core population constituted 34.8 per cent of the population of Estonia as of 1 January 1998.
3. The core ethnic nation has a commitment to democracy.	The core ethnic nation has a commitment to democracy, while many are dissatisfied with its current functioning.
4. The core ethnic nation is an indigenous group.	The core ethnic nation is an indigenous group.
5. The non-core groups are immigrant.	Up to 60 per cent of the non-core group are foreign-born.
6. The non-core population is divided into more than one ethnic group.	There are eight non-core groups with over 2,000 persons each, among them the Russians who number 409,000.
7. The core ethnic nation has a sizeable, supportive Diaspora.	The core ethnic nation has a relatively small but supportive Diaspora.
8. There is involvement of the external homeland.	Russia is sending mixed signals to its Diaspora in Estonia which includes around 100,000 of its citizens.
9. There is international involvement.	The OSCE Mission to Estonia and the HCNM are putting pressure on the Estonian state authorities to avoid conflict, promote national integration and liberalise citizenship legislation. The EU sides with the OSCE on these issues.
10. Transition from a non-democratic ethnic state.	Instead, a transition from a non-democratic and non-ethnic state together with an inversion of minority-majority roles occurred in Estonia in 1992.

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