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Minorities and the State. Non-Territorial Autonomy in Estonia in the Late Tsarist and Interwar Periods

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Abstract

In 1925, the Estonian parliament passed the Law on Cultural Self-Government, which allowed ethnic minorities in Estonia to establish their self-governments to administer their cultural and educational affairs. This law, passed after several years of a parliamentary campaign led by Baltic Germans, was almost immediately seen as a milestone in defending minorities by numerous legal scholars and minority activists who hailed it as a model to be introduced in other countries. This legal arrangement was, in essence, a group rights model meaning that a group of individuals across the territory and not a specific territorial unit formed a legal body with the right to self-govern.

This dissertation offers an intellectual history of non-territorial autonomy in Estonia in the late tsarist and interwar periods. By studying archival and printed sources, it analyses how various actors such as politicians, national activists, minority activists, legal scholars and journalists defined and conceptualised non-territorial autonomy. It studies the discussions in the Estonian context against the broader backdrop of the discussions in the Habsburg and Romanov empires and the international arena during the interwar period. It aims to understand how the ideas in the Estonian context were interlinked with these. Furthermore, the study also aims to diversify the understanding of the functioning of non-territorial autonomy in Estonia by focusing on the understudied case of the work of Jewish Cultural Self-Government. In analysing the discussions and practice, the dissertation also aims to challenge the dominant approach in historiography, which approaches the question mainly through the lens of Baltic Germans.

The dissertation puts forward two key arguments. First, it demonstrates how prominent non-territorial autonomy was in political discussions until the outbreak of the Second World War. Second, it demonstrates how the discussions in Estonia were closely interlinked with the broader discourse over non-territorial autonomy, and activists and lawmakers explicitly relied on numerous theoretical texts and practical projects—some of which were so far entirely unknown in scholarly literature—to draft the Estonian Law on Cultural Self-Government. After the law's passing, Estonian legislation became a part of this discourse and a common reference point in international discussions over minority rights.

Zusammenfassung: Minderheiten und der Staat. Nicht-territoriale Autonomie in Estland in der späten Zarenzeit und der Zwischenkriegszeit

Im Jahr 1925 verabschiedete das estnische Parlament das Gesetz über die kulturelle Selbstverwaltung, das es den ethnischen Minderheiten in Estland ermöglichte, Selbstverwaltungen zur Verwaltung ihrer kulturellen und Bildungsangelegenheiten einzurichten. Dieses Gesetz, das nach einer mehrjährigen parlamentarischen Kampagne unter Führung der Deutschbalten verabschiedet wurde, wurde von zahlreichen Rechtswissenschaftler und Minderheitenaktivisten fast sofort als Meilenstein für den Schutz von Minderheiten angesehen und als Modell für andere Länder gepriesen. Bei dieser rechtlichen Regelung handelte es sich im Wesentlichen um ein Modell der Gruppenrechte, d. h. eine Gruppe von Einzelpersonen auf dem gesamten Staatsgebiet und nicht eine bestimmte territoriale Einheit bildete einen Rechtskörper mit dem Recht auf Selbstverwaltung.

Diese Dissertation bietet eine intellektuelle Geschichte der nicht-territorialen Autonomie in Estland in der späten Zarenzeit und der Zwischenkriegszeit. Anhand von Archivmaterial und gedruckten Quellen wird analysiert, wie verschiedene Akteure wie Politiker, nationale Aktivisten, Minderheitenaktivisten, Rehtswissenschaftler und Journalisten die nicht-territoriale Autonomie definierten und konzeptualisierten. Sie untersucht die Diskussionen im estnischen Kontext vor dem breiteren Hintergrund der Diskussionen im Habsburger- und Romanow-Reich und auf der internationalen Bühne in der Zwischenkriegszeit. Ziel ist es zu verstehen, wie die Ideen im estnischen Kontext mit diesen verknüpft waren. Darüber hinaus zielt die Studie darauf ab, das Verständnis für die Funktionsweise der nicht-territorialen Autonomie in Estland zu erweitern, indem sie sich auf den wenig untersuchten Fall der Arbeit der jüdischen kulturellen Selbstverwaltung konzentriert. Mit der Analyse der Diskussionen und der Praxis will die Dissertation auch den in der Geschichtsschreibung vorherrschenden Ansatz in Frage stellen, der die Frage hauptsächlich aus em Blickwinkel der baltischen Deutschen betrachtet.

Durch die Untersuchung der oben genannten Themen werden in der Dissertation zwei Hauptargumente vorgebracht. Erstens zeigt sie, wie wichtig die nicht-territoriale Autonomie in der politischen Diskussion bis zum Ausbruch des Zweiten Weltkriegs war. Zweitens wird aufgezeigt, wie die Diskussionen in Estland eng mit dem breiteren Diskurs über die nicht-territoriale Autonomie verknüpft waren und wie sich Aktivisten und Gesetzgeber bei der Ausarbeitung des estnischen Gesetzes über die kulturelle Selbstverwaltung ausdrücklich auf zahlreiche theoretische Texte und praktische Projekte stützten, von denen einige in der wissenschaftlichen Literatur bislang völlig unbekannt waren. Nach der Verabschiedung des Gesetzes wurde die estnische Gesetzgebung zu einem Teil dieses Diskurses und zu einem gemeinsamen Bezugspunkt in internationalen Diskussionen über Minderheitenrechte.

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A note on transliteration and translation

In the text, I have relied on the Library of Congress standard[1] of transliterating Russian into English. In spelling more established names, I have used the established versions rather than what would be the transliteration standard. For instance, I use Lviv instead of L'viv or Nolde instead of Nol'de.

In transliterating from Yiddish, I have followed the YIVO standard.[2] The exceptions are established names or the ones preferred by the individuals. For instance, Likht would be the YIVO transliteration standard, but I use the communly used spelling Licht. The same goes for Hirsch Aisenstadt.

Taking the multi-ethnic past of the region into account, where relevant, I have offered different versions of place names.

All translations are by the author, unless noted otherwise. In some instances, I have used the help of translation machines for a more fluent translation.

Footnotes are formatted according to the Chicago Manual of Style guidelines with some minor adjustments.[3]

[1] https://www.loc.gov/catdir/cpso/roman.html [accessed 09.05.2023].
[2] https://www.yivo.org/yiddish-alphabet [accessed 09.05.2023].
[3] The Chicago Manual of Style Online, https://www.chicagomanualofstyle.org/home.html [accessed 21.05.2023].

Introduction: Minorities and the State. A History of Non-territorial Autonomy in Estonia in the Late Tsarist and Interwar Periods

1. Aim and scope of the study

"Estonia is the only country of the Diaspora that has a 'Jewish parliament!'" declared the Jerusalem newspaper *Jüdische Welt-Rundschau* in December 1939.[4] The organ to which this article—published three and a half months into the Second World War and half a year before the annexation of Estonia by the Soviet Union—referred was the Jewish Cultural Council, an elected body of the Jewish Cultural Self-Government in Estonia. With the 1925 Law on Cultural Self-Government, ethnic minorities in Estonia had the right to establish self-governments to administer their cultural and educational affairs independently. This law, passed after several years of a parliamentary campaign led by Baltic Germans in the country, was almost immediately seen as a milestone in defending minorities by numerous legal scholars and minority activists who hailed it as a model to be introduced in other countries. As the quotation above shows, such an approving portrayal of the Estonian minority rights system lasted until the very end of independent statehood, even during the authoritarian dictatorship of Konstantin Päts, when minority self-governments—although in considerably restricted form—continued their work.

This legal arrangement was, in essence, a group rights model. It was a group of individuals across the country's entire territory and not a specific territorial unit encompassed into one legal body with the right to self-govern. Hence the term *non-territorial* autonomy. There were hardly any other non-territorial autonomies which functioned so fully in interwar Europe. More broadly, the nation-states of the era were more likely to be discriminatory rather than protective towards their minorities. Thus, against this background, in scholarly studies, the three Baltic states in general, and Estonia in particular, stand out as relatively tolerant countries towards its minorities.[5]

The chief aim of this study is to analyse discussions on the non-territorial autonomy model in Estonia against the background of international debates on this model—in short, to write an intellectual history of non-territorial autonomy in Estonia. I will analyse how various actors, such as politicians, national activists, minority activists, legal scholars, and journalists, defined and conceptualised non-territorial autonomy. I will analyse what political and conceptual choices they made when contributing to these discussions, either by arguing for or against such a model. Furthermore, I will trace the sources of these ideas and projects by trying to find out which

[4] H. Ritter, "Estnisches Judentum. Reise-Brief aus Tallinn," *Jüdische Welt-Rundschau*, December 15, 1939.
[5] Balázs Trencsényi et al., *A History of Modern Political Thought in East Central Europe: Volume II: Negotiating Modernity in the "Short Twentieth Century" and Beyond, Part I: 1918-1968* (Oxford, New York: Oxford University Press, 2018), 20–21.

references the actors relied on when drafting their texts and speeches. So far, these intellectual-historical questions have merely been mentioned in studies into Estonia's non-territorial autonomy model. I argue that it is possible to uncover the entangled history of these debates by doing a close textual analysis of primary sources and by looking into the bookshelves and on the desks of the main actors.

The second aim of this study is to challenge the dominant approach in scholarly literature on the history of cultural autonomy in Estonia, which tends to read the topic mainly through the lens of the Baltic Germans. While the Baltic Germans were undoubtedly the main campaigners for cultural autonomy in interwar Estonia, the history of non-territorial autonomy in Estonia is much broader, and by focusing only on Baltic Germans, it would be impossible to understand the emergence of non-territorial autonomy as a prominent concept in political discourse and the compromise which made the passage of the law possible. Thus, in addition to analysing the conceptualisations of non-territorial autonomy by Baltic German activists, this study also focuses on Estonian politicians and their conceptualisations of non-territorial autonomy as well as on the leaders of the Jews of Estonia. It is particularly important to include Jews in the analysis since, in the late tsarist period in Russia, Jewish activists were the most important advocates of non-territorial autonomy.

Finally, the study aims to analyse how this arrangement functioned in practice based on the understudied case of the Jewish Cultural Self-Government. Scholars of non-territorial autonomy more broadly have criticised that there is much more literature on "what should exist" rather than what kind of autonomy arrangements actually have existed.[6] The story of cultural autonomy in Estonia has largely been approached by how this arrangement came into being, and if the practice is analysed, it is usually done by focusing on the Baltic Germans. The practice of this autonomy arrangement is a fruitful topic to analyse since, in theoretical discussions over the model, the practical aspects and even the question of applicability of the model loomed large.

The time frame of this study is the late tsarist and interwar eras. By also including the late tsarist period, this dissertation demonstrates how prominently this model was discussed by politicians already before Estonian independence. Usually, in the studies, this period tends to be reduced to the pre-history of interwar minority legislation, but it should be studied in its own right by contextualising these discussions in the political setting of the era. Thus, a considerable part of this study focuses on this period. Furthermore, this study zooms in on the crucial transformation period from empire to nation-state, which was not only a major political change but closely

[6] Federica Prina, "Nonterritorial Autonomy and Minority (Dis)Empowerment: Past, Present, and Future," *Nationalities Papers* 48, no. 3 (2020): 428–29.

interlinked with shifts in political thinking. Scholars have increasingly stressed the importance of studying this specific transformative period.[7] The second half of the study focuses on the discussions and practice of non-territorial autonomy until the end of independent Estonian statehood in the summer of 1940.

Geographically, the territories that comprise modern Estonia are at the heart of this study. However, this study cannot be confined to such a clear-cut territorial container. In the late tsarist period, when the administrative structure of the Baltic provinces did not follow ethnic borders, discussions over provincial administration reform also applied to the lands that later formed the independent Latvian state. Furthermore, by analysing the discussions against the broader background, this study also focuses on Estonian activists in Petrograd, political events in Moscow and Kyiv, and Estonian settlements in Siberia. In the interwar period, some of the central events and political discussions this study analyses took place in cities like Paris, Berlin, Vienna, and Geneva.

This study focuses mainly on three nationalities: Estonians, Germans, and Jews. To a smaller extent, the study also includes the Swedes and Russians. I have decided to focus mainly on these two minority groups because only these groups used the 1925 Law on Cultural Self-Government and established their own institutions of self-government. Thus, analysing the internal developments within these groups and discussions before the achievement of the law also helps to understand the reasons why they embraced this model and established their self-governments. Indeed, a large part of the research literature on minority autonomy has so far approached the topic by focusing explicitly on Germans. Since Baltic Germans were the most important campaigners for minority autonomy in interwar Estonia, writing a history of non-territorial autonomy without them would be impossible. However, as the chapters of this study demonstrate, while there are numerous studies into Germans and minority autonomy in Estonia, a close study of archival sources can still shed light on several important new topics.

The second minority group the study focuses on are Jews. This choice makes sense for the dissertation because they established their own self-government in Estonia and because of their important role in the debates over non-territorial autonomy. Namely, in late tsarist Russia, Jewish activists and parties were the most important advocates of non-territorial autonomy. They discussed it in publications, included it in their party agendas, and initiated translation projects which resulted in the publication of the works of Austro-Marxist theorists Karl Renner and Otto

[7] See e.g. call by Benedict Anderson: Benedict Anderson, Alexander Semyonov, and Serguei Glebov, "We Study Empires as We Do Dinosaurs: Nations, Nationalism, and Empire in a Critical Perspective, Interview with Benedict Anderson," *Ab Imperio* 2003, no. 3 (2003): 57–73; Aviel Roshwald has written a major synthesising work on this period: Aviel Roshwald, *Ethnic Nationalism and the Fall of Empires: Central Europe, the Middle East and Russia, 1914-23* (London-New York: Routledge, 2001).

Bauer in Russian, thus contributing to the familiarisation of broader circles with these ideas. The equal rights of citizens and non-territorial autonomy were essentially the defining elements of Jewish politics in Russia during this period.[8] While Jews from Estonia were not necessarily involved in the top tiers of these processes personally, they were part of the broader Russian Jewry until the establishment of the Estonian nation-state. As a result, they were party to the political processes within this group. Only later did they readjust to the Estonian nation-state framework and started to define their agenda in that new setting.

This study also focuses on the role of Estonian activists and politicians. In existing studies, discussions over non-territorial autonomy among Estonian activists in the late tsarist period and through the revolutions of 1917 are only mentioned in passing. However, as this study argues, only by analysing these discussions in the context of a broader circulation of ideas is it possible to understand how the 1918 Independence Manifesto, one of the milestones in minority protection in interwar Estonia, included a promise for non-territorial autonomy. Similarly, in the interwar parliamentary negotiations over minority rights and practising self-government, majority agents' roles cannot be left out.

These are also reasons why the study does not explicitly focus on Russians in Estonia. As the dominant nation of the Russian Empire, they were far less interested in non-territorial autonomy provisions, and it was mainly other nationalities of the Empire that advocated it. Partially as a continuation of this experience in the imperial era, the Russians of Estonia did not use the 1925 self-government law and did not manage to set up their own self-government. Only in 1937 did they reach an internal consensus and submit an application to establish autonomy. However, it arrived at the time when the government was planning legal amendments due to the new constiutution and thus paused establishing new self-governments and ultimately the incorporation of Estonia into the Soviet Union made these efforts futile.[9] Furthermore, in contrast to the relatively homogenous Germans and Jews, Estonia's Russians were a much more diverse group. There were agricultural Old Believer settlements on the shores of the Lake Peipus, former imperial officials, urban intelligentsia, factory workers, as well as Whites and émigrés who fled to Estonia from Bolshevik Russia—to name only some of the groups. These reasons—a different experience of being the dominant imperial nation, non-achievement of autonomy, and the internal

[8] Simon Rabinovitch, *Jewish Rights, National Rites: Nationalism and Autonomy in Late Imperial and Revolutionary Russia* (Stanford: Stanford University Press, 2014).

[9] David James Smith and John Hiden, *Ethnic Diversity and the Nation State: National Cultural Autonomy Revisited* (London-New York: Routledge, 2012), 102; David J. Smith, "Retracing Estonia's Russians: Mikhail Kurchinskii and Interwar Cultural Autonomy," *Nationalities Papers*, no. 3 (1999): 455–74; D. J. Smith, "The 'Russian Question' Yesterday and Today. Mikhail Kurchinskii and the Lessons of the Inter-War Period," in *The Ethnic Dimension in Politics and Culture in the Baltic Countries 1920-1945*, ed. B. Metuzāle-Kangere (Huddinge: Södertörns högskola, 2004), 24–49.

complexity of the ethnic group—show why this study does not explicitly analyse the Russian minority in Estonia: it would not fit in the overall structure of the thesis and would stretch the project far beyond the intended purpose and scope. However, with the help of existing studies, this dissertation integrates, where relevant, the experience of Russians into the text.

The questions and the aim of this dissertation demonstrate that this study is a historical analysis relying on empirical data. It has no normative intent to propose or oppose the application of this model today. However, the social fact of ethnic diversity and the possible modes of dealing with it are still relevant in today's world. Thus, by offering an analysis of political discussions, law-making, and the experience of practising the model of non-territorial autonomy, this study has potential relevance for such discussions and for policymakers.

2. Defining non-territorial autonomy

This study uses the term "non-territorial autonomy." It is an ahistorical analytical term and was not used during the period in question. In historical sources, thinkers, politicians, and activists used a wide variety of terms, such as "national autonomy (*nationale Autonomie*, *rahvusatuonoomia*)," "extraterritorial autonomy," "national-personal autonomy," "national-cultural autonomy," and "cultural autonomy," to name some examples. In contemporary scholarly literature, there is also terminological variety. Scholars use terms such as "non-territorial autonomy," "national cultural autonomy," and "cultural autonomy," to name the most commonly used. None of the terms used in contemporary studies are unproblematic. For instance, "cultural autonomy" can exist within a specific territorial unit, but can also be organised non-territorially. Non-territorial autonomy is problematic, since it defines itself through negation and does not clearly define the scope of autonomy.

There are three main reasons for my use of the term "non-territorial autonomy" in this study. First, in the body of literature, this term is increasingly becoming the established one to describe the model upon which this study focuses.[10] By opting for such a terminological choice, I aim to contribute to scholarly discussions on the model and feed it with a thorough analysis of one historical case. Furthermore, in the cases analysed in this study, the breadth of powers varied and was not always limited to cultural matters, which the term "national cultural autonomy" emphasises. Thus, a broader term is more fitting. Most importantly, this term draws our attention to one of the core aspects with which this study deals, namely, studying attempts to conceptualise

[10] Numerous edited volumes, special issues of journals (like the *Nationalities Papers* and *Ethnopolitics*) use this term. One scholarly COST-network, which encompasses scholars of the model, is entitled ENTAN, the European Non-Territorial Autonomy Network.

a nation as a group of people who do not have exclusive dominance over a territory and the administrative models derived from this principle.

In existing literature, there is no uniform definition of the model, and attempts to define the model usually come from the field of political science.[11] In these approaches, there is still a considerable amount of "conceptual mist" around the nature of non-territorial autonomy, and scholars have approached it from different angles, mostly from the angles of nationalism studies, conflict management and diversity management.[12]

Having analysed primary sources and secondary literature, I rely on my own definition of the model of non-territorial autonomy in this study, which is largely a derivate from historical sources and contemporary studies as well as attempts to encompass the main components that other scholars have stressed. In essence, it is an analytical model. I define it as a broad container entailing several important elements which can be (but are not necessarily) present in different projects proposing it or in practical examples of the autonomy model. In this regard, I rely on Markku Suksi, who has stressed that while it is a complicated task to specify the entire idea of non-territorial autonomy, it is much easier to define its elements.[13] As such, it is not necessarily a ready-made doctrine but rather a discourse which I analyse in different contexts.

One of the most important elements of non-territorial autonomy is that this model proposes creating group-based corporations which rely on the personality principle rather than automatically encompassing the entire population of a certain territory. This means that, at the same time and on the same territory, several different bodies like this can coexist, just like different religious congregations in the modern era. Membership in this body is fixed through some form of national register, list, or cadaster, with membership being either a free decision by an individual or automatic based on some formal ethnic categorisation. These bodies are bodies of public law, meaning that they carry out public tasks and have a state mandate. These bodies have autonomous decision-making rights on the matters over which they have power. These powers are most often limited to national-cultural affairs, such as organising cultural life, museums, theatres, printing, and education. However, different projects proposed wider powers, such as organising social welfare or the religious affairs of the respective group. Such a division in the model usually emerged from

[11] For an analysis on defining non-territorial autonomy see: Alexander Osipov, "Can 'Non-Territorial Autonomy' Serve as an Analytical Term? Between 'Thick' and 'Thin' Approaches," *International Journal on Minority and Group Rights* 25, no. 4 (2018): 621–46; Markku Suksi, "Non-Territorial Autonomy: The Meaning of '(Non-)Territoriality,'" in *Minority Accommodation through Territorial and Non-Territorial Autonomy*, ed. Tove H. Malloy and Francesco Palermo (Oxford: Oxford University Press, 2015), 83–115; for a concise overview of the model and its history see: David Smith, "National Cultural Autonomy," in *Routledge Handbook of Ethnic Conflict*, ed. K. Cordell and S. Wolff (London: Routledge, 2016), 267–77.
[12] Prina, "Nonterritorial Autonomy," 427.
[13] Suksi, "Non-Territorial Autonomy," 84.

the starting point of trying to solve nationality conflicts by taking out national-cultural affairs from broader state politics and leaving them purely to the nationalities themselves (national autonomy body) while leaving political affairs to the state (state parliament and government). In order to carry out and fund these tasks, the body would have the right, for example, to levy taxes on its members.

As already mentioned, this model is aimed at national groups either for the purpose of minority protection or for the entire population. The term "non-territorial autonomy" draws our attention to non-territoriality, and on a deep conceptual level, the core is the conceptualisation of administration based on individuals belonging to a group rather than encompassing the entire population of the territory. However, in project-making or practical implementation, this model is usually combined with some territorial elements. For instance, in the projects for big empires, theoreticians proposed implementing territorial autonomy where it was possible to establish neat ethno-territorial units and non-territorial autonomy for minorities.

The institutional design of this broader vision of conceptually detaching territory and nation and rethinking nations as non-territorial corporations also has some variety but usually consists of three core elements. One institutional element, as already mentioned, is some form of a national register (cadastre, list), which defines the members. It also has some sort of elected assembly or council, or parliament, which decides all major aspects of autonomy policy. Finally, there is an executive hand or government which decides on daily affairs and implements policies defined by the elected assembly. While these three elements—register, (legislative) council, and (executive) government—are usually the core of non-territorial autonomy institutions, in projects and in practice the institutional architecture can be more elaborate. For instance, in Karl Renner's complicated 1918 blueprint for the institutional structure, he proposed that national autonomies would also be represented in a country's government and parliament.[14] In interwar Estonia, studied in this dissertation, there were lower-level units of minority self-government—on-site cultural curatioriums—which managed self-government affairs at the local level.

As the first chapter of this study demonstrates, it was the Austro-Marxist thinkers Karl Renner and Otto Bauer who put forward the most detailed blueprints of the non-territorial autonomy model in their influential works. However, different and less detailed projects for non-territorial autonomy already circulated before Renner's famous treatise from 1899: József Eötvös (1813–1871), Lajos Kossuth (1802–1894), and Etbin Kristan (1867–1953) all discussed the possibility of introducing non-territorial form of national autonomy.

[14] Karl Renner, *Das Selbstbestimmungsrecht der Nationen in besonderer Anwendung auf Oesterreich* (Leipzig-Wien: Deuticke, 1918).

Due to linguistic variety, and in order to be true to the language of the sources, in this study I occasionally use other terms, such as cultural autonomy or extraterritorial autonomy.

3. The nexus between nation, state, and territory

The underlying theme of this study is the relationship between state, territory, and nation in different time periods and in different constellations.[15] In the following part, I will briefly touch upon some of these core topics through the lens of the non-territorial autonomy model.

Contemporary definitions of the state include territory as one of its core elements. Max Weber's definition has become possibly the most influential. According to him, the state means the legitimate right of a community to use violence within a specific territory (*Gebiet*).[16] Although there are some alternative theories of state,[17] territory is one of the core elements of its definition. Furthermore, theoreticians of non-territorial autonomy have stressed that the state is, in essence, a territorial entity. As Renner himself put it: "The state is a sovereign territorial body."[18]

The picture becomes more complicated when the nation is brought in, since it is also commonly seen as a group closely attached to territory. To varying degrees, the main theoreticians of nationalism have stressed the importance of territory in nationalism.[19] Anthony D. Smith has defined the nation as a group which has, among other things, a shared common historic territory.[20] In his seminal work *Nations and Nationalism,* Ernest Gellner defined nationalism as a principle which claims that ethnic boundaries should be congruent with political boundaries—essentially a demand that there should be national-territorial political units or nation-states.[21] In historical national discourses, a nation's linkage to territory has played a central role, in particular among the leaders of non-dominant nations who aimed to create their nation's own national territory.[22] Even

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[15] Cf. Rogers Brubaker's triadic nexus which includes minorities, nationalising states and kin-states: Rogers Brubaker, *Nationalism Reframed: Nationhood and the National Question in the New Europe* (Cambridge: Cambridge University Press, 1996), 4–8.
[16] Max Weber, *Politik als Beruf* (Berlin: Duncker und Humblot, 2010), 7–8.
[17] Aviezer Tucker and Gian Piero de Bellis, eds., *Panarchy: Political Theories of Non-Territorial States* (London: Routledge, 2015).
[18] Synopticus [Karl Renner], *Staat und Nation. Zur österreichischen Nationalitätenfrage. Staatsrechtliche Untersuchung über die möglichen Principien einer Lösung und die juristischen Voraussetzungen eines Nationalitäten-Gesetzes* (Wien: Dietl, 1899), 13.
[19] Nadav G. Shelef, *Homelands: Shifting Borders and Territorial Disputes* (Ithaca: Cornell University Press, 2020), 9.
[20] Anthony D. Smith, *National Identity* (London: Penguin, 1991), 14.
[21] Ernest Gellner, *Nations and Nationalism* (Ithaca: Cornell University Press, 1983), 1.
[22] For some studies into conceptualising territory in national discourses see: Peter Haslinger, *Nation und Territorium im tschechischen politischen Diskurs 1880-1938* (München: Oldenbourg, 2010); Darius Staliūnas, "The Pre-1914 Creation of Lithuanian 'National Territory,'" in *Spatial Concepts of Lithuania in the Long Nineteenth Century*, ed. Darius Staliūnas (Boston: Academic Studies Press, 2016), 189–238; Yrjö Varpio and Maria Zadencka, eds., *Literatur und nationale Identität IV: Landschaft und Territorium. Zur Literatur, Kunst und Geschichte des 19. und Anfang des 20. Jahrhunderts im Ostseeraum: Finnland, Estland, Lettland, Litauen und Polen*, Studia Baltica Stockholmiensia 25 (Stockholm: Almqvist & Wiksell International, 2004).

more strongly emphasising the territorial dimension, several scholars have argued that nationalism is a form of territoriality.[23] Despite this, scholars usually focus either on the questions related to territory or on the nation and far less on the nexus of these two.[24]

The human geographer Jan Penrose has attempted to conceptualise the relationship between a group and territory. He has stressed that it is often perceived as natural that the surface of the earth is somehow divided into separate territorial units. Since such a division of land is understood as natural, the relationship between the group and the territory is also viewed as such. Moving to the individual level, Penrose wrote that individuals have an emotional connection with territory through their individual experiences and, ultimately, such connections to places are implanted in the myths, histories, and memories which bind individuals together.[25] The historian Aviel Roshwald has described how nationalists not only see territory as a prerequisite of the nation-state but how they connect identity with the landscape where the heroes of the nation are buried, which creates a linkage with its past. In sum, Roshwald argues that "nationalism without a territorial dimension would be no nationalism at all."[26] Thus, nationalism renders a certain territory into a homeland which becomes the embodiment of the identity of the people. Arguably, this counts for all kinds of nationalisms, both "civic" and "ethnic"—if one adheres to such a differentiation.[27]

Theorists and advocates of non-territorial autonomy have aimed to do two things. First, to conceptually deconstruct the link between nation and territory.[28] And second, even if they have not fully agreed with this decoupling on a deeper conceptual level, to devise an administrative system in which the nation would not necessarily have an exclusive dominance over a specific territory. As Renner put it: "national consciousness stands in no necessary connection with a particular territory."[29] Instead, they conceptualised nations foremost as cultural communities, as groups of individuals. For the main theoreticians, such as Renner and Bauer, such a conceptualisation was the first step toward a broader vision which would offer an answer to the nationalities question. The solution was, they argued, to turn nations into non-territorial

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[23] Jan Penrose, "Nations, States and Homelands: Territory and Territoriality in Nationalist Thought," *Nations and Nationalism* 8, no. 3 (2002): 285; Shelef, *Homelands*, 11.
[24] See e.g. Stuart Elden, *The Birth of Territory* (Chicago: University of Chicago Press, 2013); Margaret Moore, *A Political Theory of Territory* (Oxford: Oxford University Press, 2017); Siniša Malešević, *Grounded Nationalisms: A Sociological Analysis* (Cambridge: Cambridge University Press, 2019).
[25] Penrose, "Nations, States and Homelands," 280–82.
[26] Aviel Roshwald, *The Endurance of Nationalism: Ancient Roots and Modern Dilemmas* (Cambridge: Cambridge University Press, 2006), 66–67.
[27] Shelef, *Homelands*, 9–10.
[28] For a concise analysis of the matter, see e.g. Börries Kuzmany, Matthias Battis, and Oskar Mulej, "Accommodating National Diversity Within States: Territorial and Non-Territorial Approaches Since the Late 19th Century," *Nationalities Papers* 50, no. 5 (September 2022): 850–52.
[29] Synopticus [Karl Renner], *Staat und Nation*, 14.

corporations which would independently administer their cultural affairs in order to avoid conflicts between nationalities—a particularly salient issue in ethnically mixed territories.

However, the picture becomes even more complicated. The main theoreticians of non-territorial autonomy put different weight on the importance of territory and, over time, devised projects where the role of national-territorial units varied. Otto Bauer, for instance, offered a more elaborate theory of the nature of the nation than Renner. Although, in Bauer's definition, a nation was foremost a "community of fate" and a "community of character," he also included territory in his dissection of the nation. Territory was, in his opinion, essential for the formation of the nation as a cultural community but lost its central role later when printing, postal systems, and transportation enabled it to stay connected with the community. Yet, even in the later stages, some national homeland was a precondition for the continued existence of a nation, and the lack of it was one of the reasons why Bauer did not consider Jews a nation in the modern era.[30] In his early essay, Renner put forward a more non-territorial vision of defining the nation and its relationship with the state but later drafted a vision which consisted of an elaborate combination of national-territorial units where it was possible to create them and non-territorial corporations. Indeed, although Renner and Bauer tried to conceptually decouple nation and territory, in practice they advocated some form of a combination of non-territorial and territorial provisions, and the same goes for the cases analysed in this study where non-territorial autonomy is proposed in some combination.

This arguably counter-intuitive approach to designing an administrative model triggered critique when Renner and Bauer put forward their ideas and continues today. Political theorist Rainer Bauböck, relying on empirical studies, has argued that minority languages in isolated pockets would not survive in the long run, even if there would be a possibility to establish their own cultural and educational institutions in case that language had little importance in its larger setting. Furthermore, Bauböck stressed that nationalist movements do not aim to achieve mere protection of the national language but political power in the form of control over different levels of government, judicial power, and control over economic and social policies. Bauböck concludes that Renner's focus on cultural aspects of nationhood does not help tackle the fights over territory and goals to have extensive self-government.[31] Whether one agrees on a theoretical level, the close linkage between nationalism and territory is possibly the main reason why the model has not found broader support and implementation. The cases covered in this study attest to this. No leaders of national movements made non-territorial autonomy a primary goal. The primary goal was some

[30] Otto Bauer, *Die Nationalitätenfrage und die Sozialdemokratie* (Wien: Ignaz Brand, 1907), 130–38, 366–81.
[31] Rainer Bauböck, "Political Autonomy or Cultural Minority Rights? A Conceptual Critique of Renner's Model," in *National-Cultural Autonomy and Its Contemporary Critics*, ed. Ephraim Nimni (New York: Routledge, 2005), 88–89, 92.

form of national-territorial unit, either federated in a larger state or as an independent state. Non-territorial arrangements were a complement to this. Who embraced non-territorial autonomy to the fullest were the groups who did not have their home territory within a given state: for instance, Jews who did not have home territory in Russia. However, even in such a case, this demand sometimes went hand in hand with the aim to establish a Jewish state.

The question of what a nation is became closely linked with the question of who is part of the nation. It was one of the major themes looming large, either implicitly or explicitly, in various non-territorial autonomy projects. Since non-territorial autonomy was a model to be practically implemented, an even more important question was how to determine its members.[32] In different projects, this study analyses how belonging was designed to be either automatic or voluntary. In both cases, this could be based on individual self-determination or some objective criteria. Although these two approaches imply different approaches to belonging, either modernist/constructivist/voluntaristic or primordial, this was more a question of procedure and authority, meaning who has the right to decide on the matter.

There are numerous ways to classify different types of rights, but in the context of this study, which focuses on nationalities and minorities, three forms are the most relevant. First, in the context of the national question, territorial rights usually mean some form of an autonomous ethno-territorial unit within a state or a separate nation-state. In practical terms, it means that a member of one nation can acquire education and use their native tongue in public administration within this territory, and the respective nation rules over the territory. In the context of this dissertation, the demands to establish an Estonian unit within a future Russian federation or secession around 1917-1918 can be categorised in this model. Second, the non-territorial autonomy model, which aims to turn nations as groups into legal persons, is a group or collective rights model. The main feature of the collective rights model is that it is the group, a collective of individuals, that can exercise these rights. Finally, individual rights are the rights which are held by an individual. Regarding nationalities, an example of this kind of right would be §23 of the 1920 constitution of Estonia, which declared that, in addition to Estonian, which was the official language, minorities could turn to state institutions using the Russian, German, and Swedish languages.[33] On an abstract and philosophical level, the non-territorial autonomy model is clearly

[32] On the question of ethnic belonging in the Baltic context see e.g. Katja Wezel, "Introduction: German Community – German Nationality? Baltic German Perceptions of Belonging in the Nineteenth and Twentieth Century," *Journal of Baltic Studies* 48, no. 1 (January 2, 2017): 1–11; Karsten Brüggemann and Katja Wezel, "Nationally Indifferent or Ardent Nationalists? On the Options for Being German in Russia's Baltic Provinces, 1905-17," *Kritika* 20, no. 1 (2019): 39–62.

[33] For accounts on collective rights see e.g. Ian Shapiro and Will Kymlicka, eds., *Ethnicity and Group Rights* (New York: New York University Press, 1997); Miodrag A. Jovanović, *Collective Rights: A Legal Theory* (Cambridge: Cambridge

a group rights model. However, in different political projects and practices, these different forms of rights usually come in some form of combination. This is also one of the reasons why the broad narrative that the collective rights embodied in the Minority Treaties were discredited due to group-based discrimination, which gave rise to the individual's human rights, has been recently questioned.[34]

One of the central concepts of this study is the concept of minority—a concept often used in the context of ethnic relations. The question of ethnic diversity, the fact that by creating ethno-territorial units, there would still be other nationalities within it, was one of the main themes in the discussions over non-territorial autonomy. In a strict sense, the concept of minority, meaning not only a numerical minority but also an inferior status, would apply when the state is defined as a nation-state with a titular nation; hence, other groups would be minorities. Thus, it is not necessarily applicable in a case of a multi-ethnically defined polity (*Nationalitätenstaat*). However, the question is more complicated in a multi-ethnic imperial context due to official and unofficial hierarchies and assimilating policies (e.g., Russification).

Studies have shown that, in Habsburg space, in political and legal languages, the term minority was initially and foremost a quantitative term to describe numerical relations and only later became a term used in the context of the nationalities question. In the second half of the nineteenth century, political actors started to gradually use it to talk about ethnic relations. Ultimately, in 1918, it became mainly a qualitative term referring to one's lesser status.[35] In the Russian context, the term minority (*men'shinstvo*) was also largely absent and emerged only in the final years of Romanov rule. However, the historian Paul W. Werth has argued that other, initially narrowly defined terms such as *inovertsy* (non-Orthodox) and, in particular, the term *inorodtsy* (aliens or, more broadly, non-"Russians"/East Slavs) gradually became broader terms and close equivalents to the term 'minority' as they also encompassed the meaning of lesser status.[36]

University Press, 2012), chap. 3; Peter Jones, "Human Rights, Group Rights, and Peoples' Rights," *Human Rights Quarterly* 21, no. 1 (1999): 80–107.

[34] Mark Mazower, "The Strange Triumph of Human Rights, 1933-1950," *The Historical Journal* 47, no. 2 (June 2004): 379–98; Yvonne Donders, "Foundations of Collective Cultural Rights in International Human Rights Law," in *Cultural Rights as Collective Rights*, ed. Andrzej Jakubowski (Leiden: Brill, 2016), 85–112; Börries Kuzmany, "Non-Territorial National Autonomy in Interwar European Minority Protection and Its Habsburg Legacies," in *Remaking Central Europe*, ed. Peter Becker and Natasha Wheatley (Oxford: Oxford University Press, 2020), 328.

[35] Anna Adorjáni and László Bence Bari, "National Minority: The Emergence of the Concept in the Habsburg and International Legal Thought," *Acta Universitatis Sapientiae, European and Regional Studies* 16, no. 1 (December 1, 2019): 7–37; see also: Andre Liebich, "Minority as Inferiority: Minority Rights in Historical Perspective," *Review of International Studies* 34, no. 2 (2008): 243–63.

[36] Belarusians, Ukrainians and Russians were according tho this principle seen as one triune Russian nation. Paul W. Werth, "What Is a 'Minority' in an Imperial Formation?: Thoughts on the Russian Empire," *Comparative Studies of South Asia, Africa and the Middle East* 41, no. 3 (December 1, 2021): 325–31; see also: John W. Slocum, "Who, and When, Were the Inorodtsy? The Evolution of the Category of 'Aliens' in Imperial Russia," *The Russian Review* 57, no. 2 (1998): 173–90; Stefan B. Kirmse, *The Lawful Empire: Legal Change and Cultural Diversity in Late Tsarist Russia* (Cambridge:

Also, in the Estonian language, the term "minority nations" (*vähemusrahwused, rahwuslised vähemused*) emerged prominently in 1917. It became even more important after Estonia declared independence, and this term was used regarding ethnic relations in the Estonian state and in the context of cultural autonomy discussions. Before that, in political language, terms like small nations (*wäikerahwad, wähemad rahwad, wähemad rahwused*) were used, mainly hinting at numerical smallness. However, these terms were also used to stress the dominance of big nations over small, stressing the need to defend the particularity of these groups and prevent assimilation into big nations. It thus also had a meaning of inferior status compared to a big nation. The case of Baltic Germans also attests to such a shift in the concept of minority after the establishment of the nation-state. In German newspapers published in Estonia, the usage of the term *Minderheiten* exploded in 1918. The term *Minorität* was also previously and mainly used in the context of parliamentary minorities and majorities, but occasionally also in the context of ethnic relations. Similarly to the term *Minderheit*, it later became a term used in the context of ethnic minorities and their rigths.[37] However, in the interwar period, some German minority activists avoided the very term minority, which implied an inferior status, and preferred the term *Volksgruppe* (ethnic group).[38] For this reason, the Association of German Minorities in Europe (*Verband der deutschen Minderheiten in Europa*) was in 1929—already in a stronger nationalist spirit—renamed to the Association of German Ethnic Groups in Europe (*Verband der deutschen Volksgruppen in Europa*).[39]

4. Historiography

The story of studying the non-territorial autonomy model is closely linked with the emergence of the model in political discussions and its advocacy.[40] From the emergence of the model as a prominent topic in political discussions around the turn of the century until the outbreak of the Second World War, it was mostly the advocates of it who actively wrote about it and its possible

Cambridge University Press, 2019), 40–74; for a detailed terminological analysis see: Toomas Karjahärm, "Terminology Pertaining to Ethnic Relations as Used in Late Imperial Russia," *Acta Historica Tallinnensia*, no. 15 (2010): 24–50.

[37] For Estonian and German terminology, I have checked the digitised newspaper database dea.digar.ee. Furthermore, in Estonian, the term "*muulased*" (other nationalities, aliens) was used, mainly to speak about other nationalities in Estonia. Nevertheless, the conceptual history of "minority" and its neighbouring terms in Estonian and Baltic German political languages would need a more detailed study.

[38] Michael Garleff, "Nationalitätenpolitik zwischen liberalem und völkischem Anspruch," in *Reval und die baltischen Länder. Festschrift für Hellmuth Weiss zum 80. Geburtstag*, ed. Jürgen von Hehn and Csaba Janos Kenez (Marburg: Herder-Institut, 1980), 117–18; Martyn Housden, *On Their Own Behalf: Ewald Ammende, Europe's National Minorities and the Campaign for Cultural Autonomy 1920-1936* (Amsterdam: Rodopi, 2014), 218.

[39] Smith and Hiden, *Ethnic Diversity*, 23–24; 87.

[40] For a good overview of mapping the field of studies into non-territorial autonomy see: Prina, "Nonterritorial Autonomy."

implementation. These partisan writings on non-territorial autonomy mainly serve as historical sources for this study.

The broader history of rights stresses that the concept of group rights became discredited due to persecution based on group belonging from the late 1930s through the Second World War. As a result, after the war, the idea of individual human rights became dominant.[41] While this broad narrative is not wrong, there was also some continued interest in group rights and non-territorial autonomy after the Second World War: advocates such as Jacob Robinson, who had been active during the interwar period, kept promoting it. However, it was the collapse of the socialist bloc and the renewed interest in the non-territorial autonomy model in that new political setting which also triggered intense scholarly interest in the topic. Several translations of the key theoretical works of non-territorial autonomy were been published. Since then, non-territorial autonomy has been of interest to historical enquiry, but even more so, it has been a research topic for political scientists and political theorists.

The story of studying the Estonian interwar minority rights regime largely follows this broader story. Also, the Estonian case was prominent in scholarly and partisan accounts in the interwar era. Minority activists and interest groups wrote extensively on the matter in their own outlets. It was a topic for legal scholars of the era too. For instance, several doctoral dissertations, mainly in the field of legal studies, covered the Estonian case as a part of a broader theme of minority rights or focused more specifically on the Estonian case.[42] Although these texts were often written by legal scholars, these count as primary sources for this study.

However, in the interwar years, there was still a strong link between being an advocate of non-territorial autonomy and analysing different cases from a scholarly angle. For instance, Rudolf Laun was one of the advocates of the non-territorial autonomy model after the First World War, yet he also dedicated a considerable amount of his scholarly works to the Estonian case.[43] The

[41] Mazower, "Strange Triumph."

[42] Fritz Cohn, "Nationale Minderheiten und kulturelle Autonomien: mit besonderer Berücksichtigung des Estnischen Kultur-Autonomiegesetzes vom 5. Februar 1925" (Doctoral dissertation, Breslau, Universität Breslau, 1929); Samuel Friedman, "Le problème des minorités ethniques et sa solution par l'autonomie et la personnification" (Paris, Librairie Générale de Droit et de Jurisprudence, 1927); Georg Erler, *Das Recht der nationalen Minderheiten* (München: Aschendorff, 1931); Hans Gerber, *Kulturautonomie als Eigenart minderheitenrechtlicher Ordnung und ihre Verwirklichung nach der estnischen Verfassung* (Berlin: Verlag von Georg Stilke, 1926); Walter Meller, "Das Recht der nationalen Minderheiten in Lettland und Estland, unter besonderer Berücksichtigung der deutschen Minderheiten" (Doctoral dissertation, Königsberg, Universität Königsberg, 1932); Hermann Plettner, *Das Problem des Schutzes nationaler Minderheiten: eine Studie seiner allgemeinen ideengeschichtlichen, politischen und formaljuristischen Grundlagen nebst einer ausgewählten Darstellung der Stellungnahme des geltenden Rechts* (Berlin: Sack, 1927); Friedrich von Poll, "Das Kulturautonomiegesetz der Republik Estland und seine Bedeutung für das europäische Minderheitenproblem" (Doctoral dissertation, Würzburg, Universität Würzburg, 1926); Louis Villecourt, *La protection des minorités dans les pays baltiques et la Société des Nations* (Bourdeaux: Bière, 1925).

[43] Rudolf Laun, *Entwurf eines internationalen Vertrages über den Schutz nationaler Minderheiten: Vorgelegt d. Berner Völkerbundkonferenz, März 1919*, Schriften über Minderheitenschutz, H. 2 (Berlin: Heymann, 1920); Rudolf Laun, *Der Wandel der Ideen: Staat und Volk als Äusserung des Weltgewissens. Eine völkerrechtliche und staatsrechtliche Untersuchung auf philosophischer Grundlage* (Berlin-Barcelona: B. Cassirer, Institució Patxot, 1933).

same counts for Max Laserson, who advocated the model yet wrote articles in renowned scholarly journals.

Academic historical scholarship into the history of the interwar Estonian minority protection system started already in the post-Second World War era. Since there was a continued interest in the history of the German minority in Estonia, mainly from historians in West Germany, there was also a continued interest in their engagement with the non-territorial autonomy model. Although in the interwar era historians dealt with the question of ethnic relations in the Baltic region,[44] cultural autonomy and the history of minorities during the interwar period was primarily a contemporary question rather than subjects of historical scholarship. The main circle of scholars dealing with the topic after the Second World War was German, often with Baltic-German roots working in the universities of West Germany.[45] The foremost scholar on the Baltic German minority in the years after the Second World War has been Michael Garleff, who has published extensively on minority affairs, schooling, and activities in the parliament. Hellmuth Weiss published some scholarly articles on the topic as well. He was also actively involved in the German Cultural Self-Government as one of its leaders and its last president.[46] Among scholars in the Estonian diaspora,[47] Karl Aun, a student of Rudolf Laun, was the foremost scholar of the Estonian minorities' rights system.[48]

Among studies of this type published in the West during the Cold War, a strong focus on Baltic Germans is notable. Furthermore, these studies were written on the other side of the Iron Curtain, meaning that scholars did not have access to archives in Estonia where the documents of the minority self-governments, main minority organisations, and state institutions were preserved. Thus, these studies have largely relied on more fragmented documents from personal archives preserved in German archives (such as the Herder Institute) and on printed sources. Meanwhile,

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[44] See an overiew of historiography: Michael Garleff, ed., *Zwischen Konfrontation und Kompromiss: Oldenburger Symposium: "Interethnische Beziehungen in Ostmitteleuropa als historiographisches Problem der 1930er/1940er Jahre"* (München: Oldenbourg, 1995).

[45] Jörg Hackmann, "Baltic Historiography in West German Exile," in *East and Central European History Writing in Exile 1939-1989*, ed. Maria Zadencka, Andrejs Plakans, and Andreas Lawaty (Leiden: Brill, 2015), 46–47; Gert von Pistohlkors, "Generations in Baltic German Historical Writing, 1919–2009," in *East and Central European History Writing in Exile 1939-1989*, ed. Maria Zadencka, Andrejs Plakans, and Andreas Lawaty (Leiden: Brill, 2015), 295–321.

[46] Hellmuth Weiss, "Das Volksgruppenrecht in Estland vor dem Zweiten Weltkriege," *Zeitschrift für Ostforschung*, no. 1 (1952): 253–56; Hellmuth Weiss, "Baltische Nationalitätenprobleme und Parlamentarismus," in *Die Krise des Parlamentarismus in Ostmitteleuropa zwischen den beiden Weltkriegen:*, ed. Hans-Erich Volkmann (Marburg/Lahn: J. G. Herder-Institut, 1957); Hellmuth Weiss, "Der deutsch-baltische Beitrag zur Lösung der Minderheitenfrage in der Zeit zwischen den beiden Weltkriegen," in *Leistung und Schicksal*, ed. Eberhard G. Schulz (Köln-Graz: Böhlau, 1967).

[47] Olavi Arens, "Estonian Historians in Exile: Organisation and Publication," in *East and Central European History Writing in Exile 1939-1989*, ed. Maria Zadencka, Andrejs Plakans, and Andreas Lawaty (Leiden: Brill, 2015), 13–29.

[48] Karl Aun, "On the Spirit of the Estonian Minorities Law," in *Apophoreta Tartuensia*, ed. Jaan Olvet (Stockholm: Societas Litterarum Estonica in Svecia, 1949), 240–45; Karl Aun, *Der völkerrechtliche Schutz nationaler Minderheiten: in Estland von 1917 bis 1940* (Hamburg: Hansischer Gildenverlag, 1951); Karl Aun, "The Cultural Autonomy of National Minorities in Estonia," in *Yearbook of the Estonian Learned Society in America, 1951-1953, 1* (New York: Estonian Learned Society in America, 1953).

in the strongly controlled and ideologised historical scholarship in Soviet Estonia, minority history in general or minority self-governments of the "bourgeois" era were not acceptable research topics. A good example is Abe Liebman. In the late 1930s, he was a promising emerging scholar of the history of Jews in Estonia and defended his Master's thesis on the topic, dedicating a considerable part of the study to the Jewish self-government.[49] In the postwar years, he compiled "critical corrections" to his thesis criticising the Austro-Marxist non-territorial autonomy model, relying on the works of Stalin and Lenin.[50] Having suffered Stalinist repressions, he never returned to Jewish history in his scholarly career and focused entirely on the communist movement.

A new wave of interest came with the collapse of the Soviet Union. When the states which were annexed by the Soviet Union regained independence, they were again faced with the question of minority rights. The situation, however, had dramatically changed due to the war and the Holocaust, which devastated the Jewish communities, brought an end to a centuries-old German presence in the Baltic region and increased considerably the number of Russians who moved to Estonia and Latvia during the Soviet era. Amid this context, scholars, mainly from political science, were interested in the minority question in the Baltic states and the watered-down version of the interwar Estonian minority protection law (re-)introduced in 1993.[51]

However, in the 1990s, the model was not only interesting for political scientists in particular, but part of a growing interest in the interwar period in general, an era which had been largely understudied due to ideological constraints in the Soviet Union and the inaccessibility of archival sources for scholars in the West. Given this broader interest in the interwar period, the history of minorities was among key topics of study. In the early 1990s, the Estonian National Archives published a compendium of some key sources on the history of minorities and cultural autonomy in Estonia.[52] In 1991, the first scholarly articles on the history of minorities' cultural autonomy were published in Estonia. These first articles were written by scholars from the West—from Germany and Canada—thus showing the gap in scholarship in Estonia and attempts to bridge it with the help of prolific scholars in the field.[53] In the same year, the popular science

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[49] Abe Liebman, "Ajaloolised ja kultuurilised eeldused juudi koguduste tekkimiseks ja arendamiseks Eestis" (Master's thesis, Tartu, Tartu Ülikool, 1937).

[50] Abe Liebman, "Kriitilised parandused oma 1937.a. kirjutatud töös 'Ajaloolised ja kultuurilised eeldused juudi koguduste tekkimiseks ja arenemiseks Eestis', leiduvate väärseisukohtade ja valehinnangute revideerimise kohta" (Tartu, Tartu Ülikool, 1946).

[51] Mikko Lagerspetz, "Cultural Autonomy of National Minorities in Estonia: The Erosion of a Promise," *Journal of Baltic Studies* 45, no. 4 (October 2, 2014): 457–75.

[52] Anni Matsulevitš and Rein Ruutsoo, eds., *Vähemusrahvuste kultuurielu Eesti Vabariigis 1918-1940: dokumente ja materjale* (Tallinn: Eesti Riigiarhiiv, Olion, 1993).

[53] Michael Garleff, "Die deutschbaltische Volksgruppe zwischen Anpassung und Wiederstand bei der Staatsgründung der Republik Estland," *Eesti Teaduste Akadeemia Toimetised. Proceedings of the Estonian Academy of Sciences* 40, nr 1 (1991): 4–15; Karl Aun, "Vähemusrahvuste kultuurautonoomia Eestis. Tagapõhjast ja teostumisest," *Eesti Teaduste Akadeemia Toimetised. Proceedings of the Estonian Academy of Sciences*, no. 40 nr 1 (1991): 61–66.

magazine *Horisont* published a special issue entirely dedicated to the history of Jews in Estonia—a topic neglected in earlier decades.[54] Although these studies and publications attest to a strong interest in minorities in the 1990s, the history of minorities in Estonia has been a relatively marginal topic in academic historical scholarship in Estonia.

Nevertheless, in the 1990s and early 2000s, numerous studies dealt with the interwar minority protection system in Estonia. Many of these historical studies use primary archival sources kept in Estonian and Latvian archives for the first time for scholarly study. Kaido Laurits,[55] Cornelius Hasselblatt,[56] Jörg Hackmann,[57] Olev Liivik, and Triin Tark[58] have dealt extensively with the Baltic German minority, both from the perspective of self-government but also focusing on broader affairs. Anton Weiss-Wendt has extensively written about the Holocaust in Estonia but also analysed the genesis of Jewish self-government.[59] Tatiana Shor[60] and Anu Põldsam[61] have also studied Jewish self-government. The most important contribution to studying the cultural life of the Russian minority in the interwar period is by Sergey Issakov.[62] Mart Kuldkepp has analysed the minority politics of the Swedish minority, a group so far largely neglected. Kari Alenius has analysed ethnic relations and synthesised the possible reasons why Estonia introduced the minority protection law.[63] Martyn Housden and Marina Germane have focused on international minority activism, where German and Jewish politicians from the Baltic states played a key role. One of the foremost scholars is David J. Smith, who has studied both the minority question in the interwar years and during the years when Estonia regained independence. He has published numerous articles, as well as a monograph co-authored with John Hiden.

However, despite this increased interest and a vast array of studies produced since the 1990s, the archives of the minority self-governments and minority organisations are far from

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[54] *Horisont. Vana Testamendi rahvas*, erinumbri koostaja Kärt Jänes, 06.06.1991.
[55] Kaido Laurits, *Saksa kultuuromavalitsus Eesti Vabariigis 1925-1940: monograafia ja allikad* (Tallinn: Rahvusarhiiv, 2008).
[56] Cornelius Hasselblatt, *Minderheitenpolitik in Estland: Rechtsentwicklung und Rechtswirklichkeit 1918-1995* (Hamburg: Bibliotheca Baltica, 1996).
[57] For one recent article see: Jörg Hackmann, "The Dilemma of Dual Loyalty. Werner Hasselblatt and the Rise and Failure of Baltic German Minority Politics in the Inter-War Period," *Studies on National Movements (SNM)* 7, no. 1 (July 2, 2021).
[58] Triin Tark, *Rahvuskuuluvuse tähendus riigi ja üksikisiku perspektiivist Eestist Saksamaale 1941. aastal ümberasunute elulooliste andmete põhjal*, Dissertationes historiae Universitatis Tartuensis 53 (Tartu: Tartu Ülikooli Kirjastus, 2021).
[59] Anton Weiss-Wendt, *On the Margins: Essays on the History of Jews in Estonia* (Budapest-New York: Central European University Press, 2017).
[60] Tatiana Shor, "Kul'turnaia avtonomiia evreev v Estonii: podgotovka i vvedenie (1925-1927)," in *Materialy 5-i mezhdunarodnoi konferentsii, Riga, 16-17 sentiabria 2003*, ed. G. Branover and R. Ferber (Riga: University of Latvia, 2005).
[61] Põldsam, "Juudi keeletülist Eestis," in *Eesti Evangeelne Luterlik Kirik 100. Kirik, teoloogia, mälestused*, ed. Atko Remmel and Priit Rohtmets, vol. XXVI, EELK Usuteaduse Instituudi Toimetised, 2017.
[62] Sergei Isakov, *Russkie v Estonii: 1918-1940: istoriko-kul'turnye ocherki* (Tartu: Greif, 1996); Sergei Isakov, "Die russische nationale Minderheit in Estland: Vergangenheit, gegenwart, Zukunft," in *Estland - Partner im Ostseeraum* (Köln-Lübeck: Verlag Wissenschaft und Politik, 1998), 117–38.
[63] See his monograph and several articles: Kari Alenius, *Ajan ihanteiden ja historian rasitteiden ristipaineissa: Viron etniset suhteet vuosina 1918-1925* (Rovaniemi: Pohjois-Suomen historiallinen yhdistys, 2003).

exhausted and can provide valuable material for numerous future studies.

Since the late 2010s, there has been a more significant surge in international scholarly interest in non-territorial autonomy. A European Research Council-funded project, "Non-Territorial Autonomy as Minority Protection in Europe. An Intellectual and Political History of an Idea" (NTAutonomy, 2018–2023),[64] has organised conferences and published a special issue. Several articles have already been published, and several more will soon follow, including dissertations and monographs. Furthermore, the European Non-Territorial Autonomy Network—a COST Action—has brought together scholars working on non-territorial autonomy by organising conferences, training schools, and publishing conference proceedings, policy papers,[65] articles, and a textbook.[66] Also, the fact that some of the key texts by Renner and Bauer on non-territorial autonomy were translated into English in the early 2000s attests to the enduring interest in the model and its history.[67]

Although there is strong interest in the historical cases of non-territorial autonomy, and Estonia in particular, contemporary literature dealing with the topic has a very strong political science focus. For example, several edited volumes from recent decades approach the topic foremost from the political science angle and focus on the contemporary era.[68] However, these volumes usually have a historical dimension or contributions dealing with historical examples, and there are increasingly special publications dedicated only to historical cases.[69]

In addition to being of considerable interest to historians and political scientists, non-territorial autonomy is also a recurrent topic in the writings of contemporary political theorists dealing with ethnic diversity and multiculturalism. Will Kymlicka has taken a critical stance and is sceptical whether minorities or organisations dealing with minority affairs would fully adopt the non-territorial autonomy model as the central element in dealing with ethnic diversity and

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[64] See the website: https://ntautonomy.univie.ac.at/en/ [accessed 06.05.2023].
[65] Ivan Dodovski, ed., *Minorities and Non-Territorial Autonomy: Policy Papers* (Skopje: University American College Skopje, 2023).
[66] Marina Andeva et al., eds., *Non-Territorial Autonomy. An Introduction* (Cham: Palgrave MacMillan, 2023).
[67] Karl Renner, "State and Nation [1899]," in *National Cultural Autonomy and Its Contemporary Critics*, ed. Ephraim Nimni (London-New York: Routledge, 2005), 15–47; Otto Bauer, *The Question of Nationalities and Social Democracy [1907]* (Minneapolis: University of Minnesota Press, 2000).
[68] Ephraim Nimni, ed., *National Cultural Autonomy and Its Contemporary Critics* (London-New York: Routledge, 2005); Ephraim Nimni, Alexander Osipov, and David James Smith, eds., *The Challenge of Non-Territorial Autonomy: Theory and Practice* (Oxford: Peter Lang, 2013); Tove H. Malloy, Alexander Osipov, and Balazs Vizi, eds., *Managing Diversity Through Non-Territorial Autonomy: Assessing Advantages, Deficencies, and Risks* (Oxford: Oxford University Press, 2015); Tove H. Malloy and Francesco Palermo, eds., *Minority Accommodation through Territorial and Non-Territorial Autonomy* (Oxford-New York: Oxford University Press, 2015); John Coakley, ed., *Non-Territorial Autonomy in Divided Societies: Comparative Perspectives* (London: Routledge, 2017); David J. Smith, ed., "Special Issue on National Cultural Autonomy in Diverse Political Communities: Practices, Challenges, and Perspectives," *Nationalities Papers* 48, no. 2 (March 2020); Tove H. Malloy and Levente Salat, eds., *Non-Territorial Autonomy and Decentralization* (Londo-New York: Routledge, 2022).
[69] Börries Kuzmany, Matthias Battis, and Oskar Mulej, eds., "Special Issue on Accommodating National Diversity Within States," *Nationalities Papers* 50, no. 5 (September 2022).

emphasise the centrality of territory in the identities of compactly settled groups. At the same time, he has argued that non-territorial autonomy could be a useful substitute for territorial autonomy.[70] Rainer Bauböck criticised Karl Renner's vision and stressed that it failed to acknowledge and overcome the importance of territory in conflicts between nationalities. However, Bauböck acknowledges that non-territorial autonomy could be a supplement to territorial autonomy but not an alternative.[71]

More generally, this study aims to contribute to the study of Estonian intellectual history. Estonian intellectual history has followed roughly the same path as minority history since it emerged as a special field in the past few decades. During the Soviet period, in strong ideological constraints, only key Marxist thinkers or their influence on the communist movement in Estonia were valid research subjects, and intellectual history as such (if one can speak about a tradition of Soviet intellectual history) was reduced to economic determinism.[72] However, in the last decades, this field has slowly gained momentum and has established itself institutionally with a professorship of Estonian intellectual history.

5. On the theoretical and methodological foundations of the study

Methodologically, this study draws on a combination of approaches. First, this study is essentially a political history of the nationalities question in Estonia against the broader international background. It thus analyses the constellation between nationalities, state power, and minorities. Furthermore, it will also analyse institutional questions, such as how the minority self-government functioned, what were the internal political dynamics within the Jewish self-government, and what was its relationship with the state and society.

The main focus of this study is on intellectual developments and political thinking, and I draw on approaches in intellectual history (theorised by Quentin Skinner and Reinhart Koselleck), history of transfers, history of (the circulation of) knowledge, and transnational history. As the main research questions of this study suggest, none of these methodological approaches alone would suffice for such a study. I thus follow a syncretic methodological approach and combine several elements from these methodological schools, all depending on the chapters and sub-chapters and the more specific issue I am focusing on. In the following part, I will explain the main methodological foundations and the aspects relevant for this study. In addition to this

[70] Will Kymlicka, "National Cultural Autonomy and International Minority Rights Norms," *Ethnopolitics*, no. 6/3 (2007): 379–93; Will Kymlicka, *Multicultural Citizenship. A Liberal Theory of Minority Rights* (Oxford: Clarendon Press, 1995), 24–48.
[71] Bauböck, "Political Autonomy."
[72] Pärtel Piirimäe, "Eesti mõtteloo uurimine 21. sajandil," *Acta Historica Tallinnensia* 26, no. 1 (2020): 145–66.

methodological overview, I have integrated some of these methodological considerations into the main text where I analyse specific cases.

One of the most important methodological starting points for this study is intellectual history. Perhaps the most influential schools in studying intellectual history is the so-called Cambridge School. In his 1969 essay "Meaning and Understanding in the History of Ideas," which became programmatic for the entire school, Quentin Skinner drafted the central elements of studying the history of political thought.[73] Criticising the approach of Arthur Lovejoy, who studied ideas as timeless units which theorists continuously reworked, Skinner made a call to study ideas in their specific historical contexts. In this vein, Skinner argued, drawing on the theory of speech acts, the main aim is to understand what thinkers were doing with their texts and how they were trying to intervene in specific philosophical conversations.

There are several important aspects of this approach that have relevance to this study. For instance, I analyse discussions over non-territorial autonomy in their political-social contexts of the era. Furthermore, in some cases, when I focus more closely on some individual actors, I aim to analyse specific texts in the context of broader intellectual and political activities of those actors.

Despite calls to look at ideas in their contexts and to avoid the anachronistic study of great ideas, most of the studies mobilising the methods of the Cambridge School usually study canonical "great thinkers" such as Thomas Hobbes, John Locke, Niccolo Machiavelli, and Jean-Jacques Rousseau, each of whom are considered original, innovative, and influential.

Indeed, this approach seems to be more suitable for to study of "major" thinkers, very often focusing on one, and less suitable for the modern era of mass politics. One of the standard synthesising works of the field largely neglects more "minor" actors and regions in intellectual history. While going "beyond Western political thought," *The Cambridge History of Twentieth-Century Political Thought* only includes Russian political thinkers and almost entirely neglects East Central Europe.[74] Although such a lacuna was largely a result of a lack of studies into intellectual history in East Central Europe, it also reflects the focus on more canonical thinkers. Recently, there have been calls to study "minor" actors in intellectual history and to look beyond the "great thinkers."[75] In recent decades, there have been major projects on writing the intellectual history of East Central

[73] Quentin Skinner, "Meaning and Understanding in the History of Ideas," *History and Theory* 8, no. 1 (1969): 3–53; a reworked version and several other methodological writings are published in: Quentin Skinner, *Visions of Politics: Volume I: Regarding Method* (Cambridge: Cambridge University Press, 2002).
[74] Terence Ball and Richard Paul Bellamy, eds., *The Cambridge History of Twentieth-Century Political Thought* (Cambridge: Cambridge University Press, 2005).
[75] Annabel Brett, "What Is Intellectual History Now?," in *What Is History Now?*, ed. David Cannadine (London: Palgrave Macmillan UK, 2002), 114–15.

Europe.[76] Such studies have brought a broad gallery of thinkers to academic discussions, many of whom have been largely neglected so far.

This study traces the idea of non-territorial autonomy in the works of several thinkers and activists, and for many of them, this was only one topic among several others they dealt with. Thus, in order to answer the questions this dissertation tries to answer, no single individual would suffice. At the same time, since this study focuses on a broad gallery of actors, it is not possible to conduct a close biographical-intellectual study of all the actors along the lines of classical studies following the Cambridge School. Yet, occasionally, it zooms in to biographical aspects to analyse texts. Furthermore, the time frame of the study spans several decades, and within this time period it will focus on several more specific episodes which I analyse in their respective contexts, and which in some cases are profoundly different (e.g., imperial, Estonian nation-state, small Jewish community).[77]

This study focuses foremost on the texts written not by political theorists but by politicians, minority activists, scholars, journalists, and statesmen. In short, actors who either called for some form of political change or conceptualised political ideas by writing texts with some theoretical ambition or relied on some major theoretical works—either relying on them directly or in a mediated way.[78] They did not necessarily have the aim to innovate political theory with their texts. They rather advocated putting a specific political theory into practice and, as a result, innovating the dominant approaches in political theory by making non-territorial autonomy more mainstream. As I will demonstrate later, such actors are particularly important in the circulation of various political ideas.

Roughly at the same time as the emergence of the Cambridge School, in West Germany the school of conceptual history emerged (*Begriffsgeschichte*).[79] By registering changes in the semantic meanings of basic concepts (*Grundbegriffe*), scholars of this school have studied how the old estates-

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[76] Balázs Trencsényi et al., *A History of Modern Political Thought in East Central Europe: Volume I: Negotiating Modernity in the "Long Nineteenth Century"* (Oxford, New York: Oxford University Press, 2016); Trencsényi et al., *History of Modern Political Thought. Volume II: Part I*; Balázs Trencsenyi et al., *A History of Modern Political Thought in East Central Europe: Volume II: Negotiating Modernity in the "Short Twentieth Century" and Beyond, Part II: 1968-2018* (Oxford, New York: Oxford University Press, 2018); Balázs Trencsényi, "Thinking Dangerously. Political Thought in Twentieth-Century East Central Europe," in *The Routledge History Handbook of Central and Eastern Europe in the Twentieth Century: Intellectual Horizons: Volume 3: Intellectual Horizons*, ed. Wlodzimierz Borodziej, Ferenc Laczó, and Joachim von Puttkamer (London: Routledge, 2021), 69–131.

[77] C.f. David Armitage's "serial contextualism": David Armitage, "What's the Big Idea? Intellectual History and the Longue Durée," *History of European Ideas* 38, no. 4 (2012): 493–507.

[78] For a discussion on studying such figures see: Jan-Werner Müller, *Contesting Democracy: Political Ideas in Twentieth-Century Europe* (New Haven-London: Yale University Press, 2011), 3.

[79] For background see e.g.: Willibald Steinmetz and Michael Freeden, "Introduction. Conceptual History: Challenges, Conundrums, Complexities," in *Conceptual History in the European Space*, ed. Willibald Steinmetz, Michael Freeden, and Javier Fernández Sebastián (New York Oxford: Berghahn Books, 2017); Niklas Olsen, *History in the Plural: An Introduction to the Work of Reinhart Koselleck* (New York: Berghahn Books, 2014).

based society in Germany crumbled, and how modern society emerged. This was mediated across what Reinhart Koselleck termed the *Sattelzeit*, a period of German history from roughly the mid-eighteenth to the mid-nineteenth century. They argue that, with the development of modern political languages, words which pertained to older layers of meaning also acquired new meanings, or, even more, were reconceptualised. As Koselleck, one of the principal theorists of the school, argued, concepts and the changing of their meaning entail broader societal changes. As a result, concepts contain the "contemporaneity of the noncontemporaneous" (*Gleichzeitigkeit des Ungleichzeitigen*).[80] Although this methodological approach was foremost designed to study the German *Sattelzeit*, and the results were published in the major lexicon *Geschichtliche Grundbegriffe*, this approach has proved to be relatively flexible in studying different regions and time periods.[81]

Reinhart Koselleck has written about how political concepts can be incorporated into varying political ideologies—a process he calls *Ideologisierbarkeit* (the potential of ideologization). He argues that political terms can be general and ambiguous, which created a potential to be understood in contradictory ways and used for different political and class interests.[82] Skinner has written how "innovative ideologists" manipulate with political language in order to legitimise some sort of political action.[83] This is also one of the central claims of NTAutonomy project and this study. Non-territorial autonomy, like other fundamental political concepts such as state or freedom, can be conceptualised in different ideological frameworks. In the cases analysed in this study, different political forces framed the non-territorial autonomy model in their ideological framework: there were conservative interpretations by Erich von Oettingen, Cäsar Schilling, and Paul Sokolowski, socialist approaches in the works of Hans Kruus, Karl Luts, the liberal law and the authoritarian-corporatist approach during the years of Konstantin Päts's dictatorship—to name some examples.

In addition to highlighting the ideological fluidity of the concepts, this methodological apparatus has given further impetuses to this study. For instance, in broad terms, the entire study focuses on the shift from a multi-ethnic empire to a nation-state and how this is also reflected in the conceptual shift regarding the non-territorial autonomy model. This period can be seen as some sort of *Sattelzeit* in Estonian political thinking: a period of intense discussion and the

[80] Reinhart Koselleck, "Einleitung," in *Geschichtliche Grundbegriffe: Historisches Lexikon zur politisch-sozialen Sprache in Deutschland. Band 1*, ed. Otto Brunner, Werner Conze, and Reinhart Koselleck (Stuttgart: Klett-Cotta, 1972), xxi.
[81] See e.g. the variety of studies published in the Berghahn conceptual history book series *European Conceptual History* (2017-Present) and the articles published in the journal *Contributions to the History of Concepts* (launched in 2005 and also published by Berghahn).
[82] Koselleck, "Einleitung," xvii–xviii; Reinhart Koselleck and Michaela Richter, "Introduction and Prefaces to the Geschichtliche Grundbegriffe: (Basic Concepts in History: A Historical Dictionary of Political and Social Language in Germany)," *Contributions to the History of Concepts* 6, no. 1 (June 1, 2011): 13–14.
[83] Skinner, *Visions of Politics: Volume I: Regarding Method*, 145–57, 182.

innovation of political language. In particular, chapters five and six stress the conceptual shift when autonomy was superseded by the self-government model when the lawmakers drafted the Law on Cultural Self-Government. Furthermore, non-territorial autonomy itself is a specific concept or a political-administrative model, and this stands at the heart of this study, rather than the aim of reconstructing the thinking of an individual political theorist, which is the approach that the Cambridge School usually adheres to. Nevertheless, also in Koselleck's approach, individual actors are not left out from the analysis and studies mobilising these methods study for which purpose or in whose interest individuals interpreted, advocated, or criticised a specific concept (*cui bono*).[84] Furthermore, Koselleck has argued that, whereas words can be clearly defined, concepts can only be interpreted in a variety of ways.[85] This is also the main aim of this study: to analyse different interpretations of non-territorial autonomy.

A further—and even more important methodological starting point for this—study comes from the fields closely linked with intellectual history, such as cultural transfer, cultural translation and circulation, and the circulation of knowledge. In short, approaches which try to understand how ideas travel and how they are reworked.

A good example to illustrate it is the eighteenth-century Genevan legal scholar Jean-Jacques Burlamaqui. He was not necessarily an original thinker, but in 1747 published a book entitled *Principes du droit naturel*, designed for his students. In the book, he summarised the ideas of many other thinkers, most importantly the ones of Samuel Pufendorf. The book was soon translated into English and became extremely popular and influential and played a major role in introducing and popularising natural law theory to English and French readers, his influence reaching across the Atlantic.[86] Many actors studied in this dissertation had a similar role as they mediated the ideas of some more influential thinkers in articles, pamphlets, and speeches. Furthermore, many actors accessed the non-territorial autonomy model not necessarily by reading the most influential theoreticians such as Karl Renner but via some adaptations, be it translations, summaries published in the press, or practical projects which were drafted based on his ideas.

Scholars who study cultural transfer and exchange try to understand how ideas, practices, concepts, and narratives have moved between different contexts and what kind of transformations they have undergone during this very process when actors try to interpret in and for a different cultural-political setting. In essence, the premise is that no culture exists in isolation, and deeper understanding requires a focus on entanglements.[87] Using the metaphor "travelling," scholars have

[84] Koselleck, "Einleitung," xx.
[85] Koselleck, xxiii.
[86] Dan Edelstein, *On the Spirit of Rights* (Chicago: University of Chicago Press, 2018), 69–73.
[87] Anna Veronika Wendland, "Cultural Transfer," in *Travelling Concepts for the Study of Culture*, ed. Birgit Neumann and Ansgar Nünning (Berlin-Boston: De Gruyter, 2016).

stressed how concepts can move between different disciplines, cultures, and social circles but also temporally between different time periods.[88]

Scholars have sketched models which would structure such encounters. Based on his research into translating the concept of liberalism from French into the German context, the historian Jörn Leonhard has put forward a three-stage model of translation.[89] Leonhard argues that in the first "imitative translation" phase, foreign concepts appear in the new context but with reference to the original context and the concepts are not yet integrated into the local political situation and debates. In the second "adaptive translation" phase, the original concepts somewhat change their original connotation and are increasingly applied to the new context. Finally, in the "discursive integration" phase, the concepts have entirely lost references to the original context and became part of the political discourse of the new context.

Such models also have analytical value for this study. Analysing the sources shows that on a broader level, non-territorial autonomy—initially being a specific Austrian idea—gradually became an important element in political discussions in Estonia. However, this model does not necessarily help to understand the complexity of the exchange in the case of non-territorial autonomy studied in this dissertation. Just as an example, even after the law was passed, actors often stressed its connection with Austro-Marxist thinkers.

The historian Anna Veronika Wendland has written about the complexities of the transfer process. She argues that transfer is not necessarily a one-way process of successfully and correctly adapting the original concept in a new setting. An idea can be unsuccessful in one context and successful in another. A popular idea can find no resonance in another context. In essence, "failure" is not a category via which one should study cultural transfer.[90] Transfer and translation should be studied not as a one-way process, but the intellectuals in this process should be seen as active and creative agents who selectively work with ideas and redefine and adjust them for the new setting.[91]

In recent years, the history of knowledge has emerged as a new field. Historians of knowledge have approached intellectual history more broadly, including other themes such as the social production of knowledge, how it circulated, and the media of knowledge. Such approaches

[88] Birgit Neumann and Ansgar Nünning, "Travelling Concepts as a Model for the Study of Culture," in *Travelling Concepts for the Study of Culture*, ed. Birgit Neumann and Ansgar Nünning (Berlin-Boston: De Gruyter, 2016), 1–22.
[89] Jörn Leonhard, "Translation as Cultural Transfer and Semantic Interaction: European Variations of Liberal between 1800 and 1830," in *Why Concepts Matter: Translating Social and Political Thought*, ed. Martin J. Burke and Melvin Richter (Leiden: Brill, 2012).
[90] Wendland, "Cultural Transfer," 55–57.
[91] Stefan Nygård and Johan Strang, "Conceptual Universalization and the Role of the Peripheries," *Contributions to the History of Concepts* 12, no. 1 (June 1, 2017): 59; Margrit Pernau, "Whither Conceptual History?: From National to Entangled Histories," *Contributions to the History of Concepts* 7, no. 1 (June 1, 2012): 7.

are closely connected with book history and publishing history but also with the history of migration.[92]

Furthermore, scholars of knowledge focus on the circulation of knowledge. Focusing not only on social but also material aspects, they emphasise the different media via which knowledge is circulated and how the very circulation process can be transformative. By bringing such themes into the analytical model, they also problematise such terms as "diffusion" and "dissemination," which somehow turn ideas or concepts into closed and fixed entities rather than fluid ones.[93]

This study focuses on intellectual exchange, on borrowing, reworking, translating, and creatively devising one's own visions, and how ideas were interpreted in different contexts. These topics cannot be studied in narrow mono-linguistic or mono-cultural contexts. Instead, the discussions analysed here are studied against a broader background, including discussions in the broader Russian framework, in the Habsburg Empire, but also the international arena.[94] Thus, this study is also an attempt to write transnational history. In particular, such a transnational approach to Estonian intellectual history can be fruitful since, so far, connections with and adaptations from the broader Russian imperial framework have found some scholarly attention (e.g., in the works of Toomas Karjahärm), but broader intellectual connections with Europe, and how Estonian intellectuals borrowed from the world and reworked ideas for the specific Estonian context, has found less attention.[95]

In light of the aspects discussed previously, I find the metaphor of circulation rather than transfer more fitting for this study. As discussed earlier, transfer implies some fixed centre which produces some original ideas, which are then adopted by more peripheral agents. As such, it implies one-way process, but discussions over non-territorial autonomy were more complicated. Whilst Austro-Marxists were undoubtedly some of the most important theoreticians of non-territorial autonomy, various other traditions played important roles in the discussions. For instance, the centuries-old tradition of noble self-government of the Baltic Germans, the Jewish tradition of self-government, and the system of municipal self-government. Furthermore, even

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[92] Philipp Sarasin and Andreas Kilcher, "Editorial," *Nach Feierabend: Züricher Jahrbuch für Wissensgeschichte*, no. 7 (2011): 7–11; Johan Östling et al., "The History of Knowledge and the Circulation of Knowledge: An Introduction," in *Circulation of Knowledge: Explorations into the History of Knowledge*, ed. Johan Östling et al. (Lund: Nordic Academic Press, 2018), 9–33; Simone Lässig, "The History of the Knowledge and the Expansion of the Historical Research Agenda," *Bulletin of the GHI*, no. 59 (2016): 29–58.

[93] Sarasin and Kilcher, "Editorial"; Östling et al., "The History of Knowledge and the Circulation of Knowledge: An Introduction," 17–22.

[94] On transnational conceptual history see: Jani Marjanen, "Transnational Conceptual History, Methodological Nationalism and Europe," in *Conceptual History in the European Space*, ed. Willibald Steinmetz, Michael Freeden, and Javier Fernández Sebastián (New York-Oxford: Berghahn Books, 2017), 139–74.

[95] Piirimäe, "Eesti mõtteloo uurimine 21. sajandil," 162.

Karl Renner and Otto Bauer's ideas were often accessed via translations, summarising articles or popularising ideas which departed from their vision rather than the original works.

At the same time, while this study aims to analyse the discussions through the lens of circulation rather than one-way transfer, one should consider the asymmetries that influenced these encounters. Intellectual historians Stefan Nygård and Johan Strang have argued that a one-sided approach to entanglements has the risk of creating an inaccurate image of a great conversation of equal parties. They write that intellectuals from "peripheral" cultures did not go to cultural metropolises to participate in discussions as equal parties but rather to learn and to translate. At the same time, Nygård and Strang argue that peripheries are more aware of other cultures from which they adopt various elements and their own hybrid nature. In essence, non-dominant cultures tend to be more open and are translation cultures, whereas bigger cultures tend to be more closed and self-centred.[96]

What does this imply for this study? From the Russian imperial perspective, Estonians were an inferior non-historical nation soon to be assimilated either by Germans or Russians. In broader political discussions, Estonian activists were hardly the ones who would set the agenda or contribute with influential input. They were rather the receivers. However, these asymmetries were also more complicated: the Jews, a discriminated group in the empire, managed to advocate and spread the idea of non-territorial autonomy and other national movements adopted it as well. Furthermore, the year 1917 created momentum when different nationalities became a stronger united force (e.g., in Kyiv in September 1917). Also, in the provincial context, until the outbreak of the February Revolution, Estonians were numerically an overwhelming majority but politically and culturally dominated by Baltic German noble elites. In the interwar period, the asymmetry shifted, and Estonians became the dominant nation of the state, both numerically and politically. In the majority-based parliamentary democracy, this was the setting within which minority protection provisions were discussed. In sum, discussions over non-territorial autonomy did not only take place *against the background* of such asymmetry, but they were also *about* asymmetry.

Recent studies have also stressed the importance of diasporic communities, migration, and travelling in the transfer of knowledge. Such mobile actors can remain connected with their homeland or a different cultural context and act as mediators between different contexts or, at their very arrival, bring new ideas and theories that they aim to implement and adapt in the new

[96] Nygård and Strang, "Conceptual Universalization"; Stefan Nygård and Johan Strang, "Facing Asymmetry: Nordic Intellectuals and Center-Periphery Dynamics in European Cultural Space," *Journal of the History of Ideas* 77 (2016): 75–97.

setting.[97] This also played a major role in the spread of the idea of non-territorial autonomy, where such actors and minorities played a crucial role. During the Russian Civil War, in the Estonian diasporic settlement communities in Siberia that will be studied in chapter four, freshly arrived exiles were the ones who were the most important advocates of the model. During the interwar years, it was foremost the leaders of the diasporic German and Jewish communities who advocated for the non-territorial autonomy model and aimed to popularise it in various forms. In some instances, as chapter three demonstrates, the implementation of non-territorial autonomy—itself a travelling model—was discussed while the main propagators travelled.

From these impetuses comes the main argument of this study: the debates over non-territorial autonomy in Estonia in the late tsarist period and in the interwar period were part of a broader non-territorial autonomy discourse. It was an era when the model circulated in different forms, such as extensive theoretical works by Austro-Marxists, translations of their work into Russian, various newspaper articles, pamphlets, party programs, political meetings, and in numerous law drafts. Advocates of the model could rely on this extensive knowledge, and many of these materials directly influenced the very law-making process in Estonia in the 1920s. And ultimately, as Estonia implemented autonomy, it became an essential part and a common reference point of the circulation of the non-territorial autonomy model in interwar Europe. This also demonstrates the complexities and that in some specific questions like minority protection in interwar Europe, Estonia was rather a centre towards which many minority activists looked rather than an unimportant periphery.

Relying on the methodologies analysed above, this study aims to show how prominent the non-territorial autonomy model was in political discussions. Apart from a brief time in late 1917 when national movements in the Russian Empire incorporated non-territorial autonomy as a complement to territorial autonomy in their programmes, it never became mainstream in the sense that a broad spectrum of politicians and theoreticians would have endorsed it. However, it figured prominently in the discussions on reorganising empires and defending minorities in nation-states, even if this prominence is not acknowledged in historical scholarship.

6. Sources

The study relies on published and archival sources in Estonian, German, French, Russian, and

[97] Peter Burke, "The Role of Exiles in the History of Knowledge: Two Cases," in *How to Write the Global History of Knowledge-Making: Interaction, Circulation and the Transgression of Cultural Difference*, ed. Johannes Feichtinger, Anil Bhatti, and Cornelia Hülmbauer (Cham: Springer, 2020); Peter Burke, *Exiles and Expatriates in the History of Knowledge, 1500–2000* (Waltham, MA: Brandeis University Press, 2017); Wendland, "Cultural Transfer," 58–59; Philipp Ther, *The Outsiders: Refugees in Europe since 1492* (Princeton: Princeton University Press, 2019), 34, 96.

Yiddish. The largest share of archival sources used for this study is preserved in the Estonian National Archives (*Eesti Rahvusarhiiv*) at the sites in Tartu and Tallinn. I also studied the valuable collections preserved in the document collections of the Herder Institute in Marburg, Germany, which mainly encompass sources from the Baltic Germans. To a smaller extent, I also worked with sources preserved in the Estonian Cultural History Archives in the Estonian Literary Museum (*Eesti Kirjandusmuuseumi Kultuurilooline Arhiiv*). The nature of the documents used from these archives varies from the official documentation of state institutions to private association files to personal documents.

The dissertation also relies heavily on various printed sources. These include newspapers and journals printed in several different languages in several different countries. These materials are invaluable in studying the political discussions of the era. Another bigger circle of published documents are the minutes of Estonian parliamentary assemblies—the Constituent Assembly and the Estonian parliaments. Working with these minutes, unpublished committee minutes, and correspondence have greatly helped me to understand the evolution of minority rights.

The source base has also posed some challenges. For instance, censorship in the late tsarist years, war censorship during the First World War, or censorship in authoritarian Estonia between 1934 and 1940 means that documents from this period have to be approached with thorough source critique.[98]

Estonian history is compliated: changing political regimes and the devastation of wars have meant that there are several gaps in the source base. During the years of the First World War, German newspapers were closed. Furthermore, Hans Kruus was one of the key thinkers of non-territorial autonomy in Estonia in 1917, and archival sources could theoretically help us understand the sources and evolution of his thinking. Hans Kruus' personal archive is preserved in the Estonian National Archives,[99] but with big gaps, in particular regarding his early years and activities in 1917. Although he had been an active collaborator with the Soviet authorities in 1940, he fell victim to Stalinist repressions and, in 1950, Kruus destroyed large amounts of his own documents which he thought could incriminate him.[100] Large amounts of documents that the authorities collected for charges against him during the years of Stalin's rule were taken to Leningrad, and the fate of these materials is unknown.[101]

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[98] On censorship in Estonia see: Vello Paatsi and Kristi Metste, eds., *Kas keelata või lubada? tsensuur Rootsi ajast Eesti taasiseseivumiseni: seminar Eesti Kirjandusmuuseumis 26. novembril 2015: ettekanded* (Tartu: Eesti Kirjandusmuuseumi Teaduskirjastus, 2015).
[99] Hans Kruus, ajaloolane, poliitik, Estonian National Archives (ERA), ERA.5150.
[100] Ralf Parve, "Kaks vestlust Hans Kruusiga," *Keel ja Kirjandus*, no. 10 (1991): 625.
[101] Jüri Kivimäe, *Rektor Hans Kruus* (Tallinn: Aasta Raamat, 2017), 6.

Kruus is, however, only one example demonstrating the challenges with sources. Similarly, Axel de Vries, a leading Baltic German activist, has described his precaution in preserving documents. In January 1918, he was arrested on the train from Tallinn to Haapsalu by Estonian Bolsheviks while carrying some secret documents he intended to take to Germany. Indeed, in 1918, different kinds of documentary evidence could have been potentially dangerous either in the eyes of the Bolsheviks, the occupying Germans, or the Estonian authorities. Axel de Vries said that, due to this experience, he was very cautious, never kept a diary, and destroyed lots of his documents and correspondence on a running basis.[102]

Nevertheless, despite these different challenges, there is still quite a diverse set of primary printed and archival sources available, and I have used these for this study. Thankfully, the archival collections of the German and Jewish self-governments are still preserved in the Estonian National Archives, and I utilised them to a great extent for this study. Since the history of cultural autonomy in Estonia was of interest for a long time only to scholars in Germany, and it was not an acceptable topic in the Marxist-Leninist Soviet academia, nor was there outside access to these sources, these collections have been used only relatively little in scholarly literature. Only in recent decades have scholars like David Smith, Kaido Laurits, Triin Tark, and Anu Põldsam worked with these archival collections.

Since I conducted a large part of my research during the COVID-19 pandemic, different digital databases, including archival and printed documents, helped me greatly in my study. The most important of these databases are the Estonian National Archives database SAAGA,[103] the League of Nations Archives digitised collections,[104] and digitised books and journals in DIGAR,[105] ANNO,[106] DiFMOE,[107] and DSpace.[108]

7. The structure of the dissertation

This dissertation is divided into nine chapters loosely following a chronological logic.

Chapter one will sketch a broader overview of the history of the idea of non-territorial autonomy to offer a necessary context for the rest of the dissertation. It will start by analysing discussions over non-territorial autonomy in the Habsburg Empire and touch upon some practical

[102] Befragung von Axel de Vries (*1892) über seine Erlebnisse, Herder Institute Document Collection (DSHI) 140 Balt 571, p. 4.
[103] https://www.ra.ee/dgs/explorer.php.
[104] https://archives.ungeneva.org/lontad.
[105] https://www.digar.ee/; https://dea.digar.ee.
[106] https://anno.onb.ac.at.
[107] https://www.difmoe.info.
[108] https://dspace.ut.ee.

experiments with some model elements. After this survey, the chapter will analyse the discussions over the model in late tsarist and revolutionary Russia. The chapter argues that these two empires present two opposing reactions to non-territorial autonomy: rejection and endorsement.

Chapter two will move to the Baltic Provinces of the Russian Empire and analyse the national question in provincial politics. It will offer a close analysis of a reform project of the provincial diet and argues that some elements of non-territorial thinking also circulated among conservative noble elites when they discussed how to reform the estates-based provincial administration system.

Chapter three analyses discussions over the national question roughly between 1914 and 1918 when Estonia declared independence. By focusing on three different political activists, Jüri Vilms, Karl Luts, and Hans Kruus, the chapter demonstrates how widely the non-territorial autonomy model circulated in Estonia. The common thread is that national activists demanded Estonian territorial autonomy within a bigger federalised Russia, which was to be complemented with non-territorial autonomy to defend diasporic communities. The chapter argues that these rich discussions familiarised broader circles with the ideas, and when national activists drafted the Independence Manifesto, a well-known non-territorial autonomy model proved to be a suitable solution to offer an answer to the minority question which faced the state-in-the-making.

Chapter four focuses on the understudied case of Estonian settlements in Siberia during the outbreak of the February Revolution until the Bolsheviks secured control over Siberia. In the politically heightened revolutionary climate, political life in the Siberian settlements became more active. Amid the context when numerous political activists had fled from the western parts of Russia ahead of the German forces, they tried to mobilise local communities nationally and proposed non-territorial autonomy to these diasporic settlements.

Chapter five will move back to the Baltic arena and will analyse how two minority groups, the Baltic Germans and Jews, tried to readjust in the rapidly changing circumstances when Russia was in chaos and Estonians had declared independence. Yet, the future of the political map of the region was far from certain. Conservative Baltic German elites drafted state projects which envisioned a bigger Baltic state encompassing the historical Baltic Provinces. As they aimed to avoid the democratic majority principle and thus the dominance of Estonians and Latvians, they envisioned an entirely non-territorial structure for the state without national-territorial units. The Jews of Estonia participated in a bigger effort to convene the All-Russian Jewish Congress, an attempt to establish Jewish autonomy in Russia. As the Estonian Constituent Assembly convened, Estonian Jews drafted their own autonomy programme and communicated it to the lawmakers.

Chapter six will revisit parliamentary discussions over minority autonomy until passage of the law in February 1925. By studying several sources not used in research before, the chapter demonstrates how the authors of the law drew on several important sources. Not only did the authors rely on the works of Austro-Marxists, but also the Ukrainian Law on National-Personal Autonomy and draft laws written by Rudolf Laun and Moritz Sobernheim. The 1925 law was born as a result of a political compromise and was designed for the specific Estonian context. It also drew on the historical experience of self-government and the existing system of municipal self-government.

Chapter seven will explore how the specific non-territorial minority self-government functioned in practice on the basis of the understudied example of Jewish self-government. Based on this example, the chapter analyses how the core elements of non-territorial autonomy functioned in practice: the national register, taxation, policies, and institutions. Three main points are worth stressing. First, the vast majority of Jews supported autonomy and enrolled on the national list. Within the autonomy institutions, two strong camps emerged, Zionist supporters of the Hebrew language and left-wing Yiddishists. The policies that the Zionist majority implemented in Jewish autonomy went beyond the mere cultural nature of autonomy, yet the state continuously adhered to the principle of non-interference.

Chapter eight will analyse the outcome of the authoritarian turn in the spring of 1934 on minority self-government. The chapter argues that the impact was ambivalent. On the one hand, the authoritarian regime introduced several restrictions and Estonianising policies. On the other, in the framework of the corporatist state, minority self-governments achieved a new role and were included in the constitution-making process and authoritarian token parliament—fields which went far beyond the initially only cultural nature of minority self-governments.

Finally, **chapter nine** focuses on the international arena and tries to analyse how the specific Estonian model was received by the international organisations, which tried to propose a suitable model to defend national minorities. While the European Nationalities Congress is a known propagator of the model, it also circulated in other organisations, such as the Pan-European movement, which proposed the Estonian law as a possible minority protection model for the future United States of Europe. However, the chapter also gives a close analysis of criticism of the model by focusing on Sorb minority activism, which rejected it as a mere tool of German irredentism.

PART I: Empire

The chapters in this part of the book analyse how the non-territorial autonomy model was discussed in imperial settings. First, it will offer a broader context of the discussions over the non-territorial autonomy model in the late Habsburg and Romanov Empires. In Russia, the most intense debates over non-territorial autonomy took place around the year 1917, ultimately reaching an apex in the second half of the year. It was the discussions in this broader context that made many political leaders familiar with the model, thus enabling the states that emerged from the Romanov Empire to promise and actually implement legislation based on the non-territorial autonomy principle. After offering a broader overview of the discussions over the model in the late imperial period, the second chapter moves to the Baltic context and analyses the national question in the context of the estates-based administrative system. In these reform debates, conservative Baltic German elites opposed the demands of democratisation put forward by Estonian and Latvian political activists and proposed reforming the provincial administration by introducing some property-based curiae. However, in these debates, the possibility of introducing national curiae was alternatively raised. In the interpretation of one conservative Baltic German nobleman in 1912, national curiae would have been responsible for their national-cultural affairs with taxation rights, effectively putting forward a conservative agenda which included some central elements of non-territorial autonomy. It thus shows the presence of such thinking already before the intense debates in 1917 and in the following years.

Chapter 1 The Idea of Non-Territorial Autonomy on Two Paths: The Habsburg and Romanov Empires at the End of the 19th and the Beginning of the 20th Centuries

1. Introduction

In 1861, the English liberal thinker John Stuart Mill famously wrote: "Free institutions are next to impossible in a country made up of different nationalities. Among a people without fellow feeling, especially if they read and speak different languages, the united public opinion, necessary to the working of representative government, cannot exist."[109] This was among those reasons why Mill was a vocal advocate—among many other thinkers of the era—of establishing nation-states.

Many thinkers and national activists were aware of the challenges of the practical applicability of the principle of the nation-state. Mill, for one, argued that when different nationalities live intermingled, establishing separate nation-states is not practical. Instead, the only course in such case was, Mill argued, "to make virtue of necessity, and reconcile themselves to living together under equal rights and laws." He proposed this model of the equality of nationalities before the law for the Austro-Hungarian Empire, Eastern Prussia, and the Baltic Provinces. Another solution that many thinkers proposed was assimilation. Mill argued that if a less developed group is absorbed by a more developed one, this would be beneficial for both of them and humanity.[110]

A widely circulating practical solution to this dilemma that many thinkers and national activists proposed in a positivist paradigm was federalisation. In particular, in East Central Europe, numerous activists drafted projects proposing federalising the Romanov and Habsburg Empires, turning them into some form of federations of nationalities. These projects often relied on the principle of territorialisation and proposed the model of territorial units of specific nationalities that would make up the federation.[111]

In the contexts where the population structure was particularly complicated and national movements made strong political demands, none of these solutions—establishing separate nation-states, granting equal rights and laws, assimilation, and federalisation—seemed to offer a

[109] John Stuart Mill, "Considerations On Representative Government [1861]," in *The Collected Works of John Stuart Mill, Volume XIX - Essays on Politics and Society Part II*, ed. John M. Robson (Toronto: University of Toronto Press, 1977), 452.
[110] Mill, 549.
[111] Trencsenyi et al., *History of Modern Political Thought. Volume II. Part II*, 496–563; Mark von Hagen, "Federalisms and Pan-Movements: Re-Imagining Empire," in *Russian Empire: Space, People, Power, 1700-1930*, ed. Jane Burbank, Mark von Hagen, and Anatolyi Remnev (Bloomington: Indiana University Press, 2007); Kaarel Piirimäe, "Federalism in the Baltic: Interpretations of Self-Determination and Sovereignty in Estonia in the First Half of the Twentieth Century," *East Central Europe* 39, no. 2–3 (January 1, 2012): 237–65.

sustainable and satisfactory answer. In the "belt of mixed populations" in the Habsburg Empire, thinkers started discussing alternative ways of how to overcome the fact that by implementing some ethno-territorial federal structure or establishing nation-states, the national question would not disappear but would still be present and multiplied in a smaller scale due to the complex population structure.[112] An alternative model circulating in these debates that has so far found considerably less scholarly attention than ethno-territorial federalism and secessionism is the model that can be described with the analytical term *non-territorial autonomy*.

The aim of this chapter is to revisit the theories of non-territorial autonomy in the final decades of the Habsburg and Romanov empires. Based on primary sources and secondary literature, it will analyse how the main theoreticians and advocates of non-territorial autonomy conceptualised the model. Furthermore, it will also shed some light on practical implementation experiments. In so doing, it will provide a necessary context for the following chapters. While such a short background chapter cannot offer an exhaustive overview,[113] it will focus on several cases to show the broad circulation and the rich discussions over the model in both empires. The chapter demonstrates how this model became a very well-known solution among politicians and theoreticians. At the same time, the two empires demonstrate two different paths of non-territorial autonomy. While Austro-Marxist thinkers in Habsburg Austria were the most famous and influential advocates of the model, it never found broader support among politicians, nor was it integrated into party programmes. Thus, the Habsburg Empire demonstrates the rejection of non-territorial autonomy. In the Romanov Empire, on the contrary, it gradually found broad support among different nationalities and was integrated into party programmes. The Romanov Empire and and in particular revolutionary Russia is thus a story of the endorsement of non-territorial autonomy. The fact that it became such a shared programmatic demand is also among the reasons why several states that emerged from the ashes of the Romanov Empire—Estonia, Lithuania, and the Ukrainian Peoples' Republic—introduced laws based on the principle.[114]

2. The Habsburg Empire

Amid the ever-stronger national movements after the revolutions of 1848–49, several theoreticians started to gradually advocate different elements of non-territorial autonomy. In this "laboratory of

[112] See e.g. Pieter M. Judson, "'Where Our Commonality Is Necessary…': Rethinking the End of the Habsburg Monarchy," *Austrian History Yearbook* 48 (April 2017): 6.
[113] For a more exhaustive study see the forthcoming: Börries Kuzmany, *Vom Umgang mit nationaler Vielfalt. Eine Geschichte der nicht-territorialen Autonomie in Europa* (Berlin: De Gruyter, 2024).
[114] On legislations in different states after the collapse of monarchy see Alexander Osipov, "Nonterritorial Autonomy in Northern Eurasia: Rooted or Alien?," *Nationalities Papers* 51, no. 1 (2023): 207–208.

the national question," as many contemporary observers saw Austria,[115] one of the elements that thinkers advocated was some form of national curiae in elected assemblies. Closer to the turn of the century, thinkers put forward more exhaustive constitutional reform plans. After 1867, and in particular around the turn of the century, these discussions mostly took place in the Austrian part of the empire, in Cisleithania, because Hungary was a separate territorial unit in the empire. This meant that the Hungarian part of the empire had its own parliament and was autonomous in most of its internal affairs except foreign policy and military, and implemented Magyarisation policies.[116]

Some of the earliest projects for non-territorial autonomy in the Habsburg Empire were put forward by Hungarian thinkers. In 1851, Lajos Kossuth (1802-1894) drafted a constitution of a Danubian Confederation. Drawing parallels with religious communities, Kossuth believed that different nationalities could coexist within the same territory. The institution of churches, in particular the Lutheran church to which Kossuth belonged, was the model upon which the nationalities question could similarly be solved. Nations constituted as associations according to this principle, Kossuth argued, would autonomously govern their internal cultural affairs, including church affairs.[117]

In the middle of the nineteenth century, Hungarian thinker József Eötvös (1813-1871) made a thought experiment and discussed that since the borders of nationalities cannot coincide with the borders of states, states cannot be created based on nationality. Instead, he brought out the idea of the principle of self-government (*Prinzip der Selbstregierung*) of nationalities—turning nations into self-governing bodies instead of secession. The state would be a conglomerate of these self-governments.[118] In the Austro-Hungarian context, this was likely one of the first elaborations on the non-territorial autonomy model, yet Eötvös did not discuss on its specificities.

One of the ways to seek a possible alleviation to the nationalities question was introducing special electoral systems guaranteeing political representation. Scholars have stressed that Adolf Fischhof (1816-1893), a liberal Jewish thinker born in Buda, was one of the first advocates of national curiae.[119] In 1867, he drafted a nationalities law which proposed creating national curiae

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[115] Willem Ernits, "Rahwusautonoomia. H. Kruus," *Uus Postimees*, December 7, 1917; Natasha Wheatley, "Making Nations into Legal Persons between Imperial and International Law: Scenes from a Central European History of Group Rights," *Duke Journal of Comparative & International Law* 28, no. 3 (May 10, 2018): 485.

[116] For backround see e.g. Pieter M. Judson, *The Habsburg Empire. A New History* (Cambridge, MA-London: The Belknap Press of Harvard University Press, 2016), 259–68.

[117] Anna Adorjáni, "Interpreting Non-Territorial Autonomy in Late Habsburg Hungary" (Doctoral dissertation, University of Vienna, 2023).

[118] Joseph Eötvös, *Der Einfluß der herrschenden Ideen des 19. Jahrhunderts auf den Staat. Zweiter Theil* (Leipzig: Brockhaus, 1854), 514–19; József Eötvös, *Die Nationalitäten-Frage* (Pest: Moritz Ráth, 1865), 144–45, 150–51.

[119] Gerald Stourzh, *Die Gleichberechtigung der Nationalitäten in der Verfassung und Verwaltung Österreichs 1848 - 1918* (Wien: Verlag der Österreichischen Akademie der Wissenschaften, 1985), 200; Sara Lagi, "Adolf Fischhof and the National Question in the Habsburg Empire: A Problem of 'Trust' and 'Collaboration' amongst the Nationalities of Austria

for the diets of nationally mixed provinces with the aim to protect nationalities who are in the minority. According to his proposals, a minority would have the right to demand separate voting concerning the issues related to language in schools, administration, and public life. A reworked version of his law draft was later published as a separate book.[120] Fischhof's proposal for national curiae was a part of his broader programme to reform the Austro-Hungarian Empire by turning it into a democratic, federation defending its multi-ethnic nature where nations would enjoy autonomy.[121] Almost forty decades later, a more extensive version of curiae—traceable back to the ideas of Fischhof—was introduced in Moravia.[122]

Social Democrats and the advocacy for non-territorial autonomy

The debates on the nationalities question among the Austrian Social Democrats are particularly important since they paid considerably more attention to it than other Social Democratic parties in Europe and tried to bridge two largely opposing camps: Marxists and nationalists. Many leading theoreticians of Marxism such as Marx himself or Rosa Luxemburg hardly offered a coherent theory of nationalism, and the Social Democrats of big dominant nationalities such as Germans often tended to be assimilationists.[123] The following part will analyse the main tenets of Karl Renner's and Otto Bauer's ideas. Some more specific questions will be analysed later in the dissertation in the context of the work of other activists.

Among the Austrian Social Democrats, it was Etbin Kristan (1867-1953), a Slovenian Social Democrat active in Vienna, who was the first to put forward the programme of non-territorial autonomy. In 1898, in an article published in *Akademie*, opposing centralisation and equalising it with absolutism, Kristan advocated federalism. Since national borders can constantly change, the federation had to consist not of national-territorial units but of corporations of nations. These corporations had to be not all the individuals living on the same territory but "the entire sum of individuals speaking a certain mother tongue and otherwise voluntarily professing their nationality." The entire project that Kristan proposed was connected with socialist anarchism: he

(1869–1885)," in *Trust and Happiness in the History of European Political Thought*, ed. Laszlo Kontler and Mark Somos (Brill, 2017), 200; Ian Reifowitz, "Threads Intertwined: German National Egoism and Liberalism in Adolf Fischhof's Vision for Austria," *Nationalities Papers* 29, no. 3 (2001): 441–58.

[120] Stourzh, *Die Gleichberechtigung der Nationalitäten*, 200; Adolf Fischhof, *Oesterreich und die Bürgschaften seines Bestands* (Wien: Manz, 1869), 186–97.

[121] Lagi, "Adolf Fischhof and the National Question," 349–50; Reifowitz, "Threads Intertwined," 443.

[122] Stourzh, *Die Gleichberechtigung der Nationalitäten*, 202.

[123] Peter Loewenberg, "Karl Renner and the Politics of Accommodation: Moderation versus Revenge," *Austrian History Yearbook* 22 (January 1991): 36.

argued that a federation of nations would lead to the dissolution of Austria and the state as such.[124]

The foremost theoretician of non-territorial autonomy in the Habsburg Empire, Karl Renner (1870-1950), developed his theory in three main works.[125] In 1899, he published under a pseudonym Synopticus his first account entitled *Staat und Nation*.[126] This is probably his most well-known work on the national question, in part because it has also been translated into English.[127] In this study, he put forward the most non-territorial version of his theory out of these three main works. His later works proposed a considerably more territorialised solution to the national question and offered a more technically and thoroughly composed reform proposal. In 1902, he published a more extensive study entitled *Der Kampf der österreichischen Nationen um den Staat. Das nationale Problem als Verfassungs- und Verwaltungsfrage*.[128] This work elaborated on the many principles from the previous work and put forward more detailed technical-administrative structural plans for state reform. Finally, in 1918, he published a new version of the latter monograph, this time under his own name.[129] In this monograph, he reframed the whole project more strongly in the political context profoundly altered by the war and in the self-determination discourse.

The starting point of Renner's analysis and theoretical proposals was the harsh nationalities conflict which had reached new heights due to the Count Badeni language ordinance of 1897. The ordinance stipulated that officials in Bohemia had to know both the Czech and German languages. These conflicts, Renner argued, were impossible to be solved via simple national-territorial solutions. Furthermore, the existing legal system of Austria, Renner argued, did not provide sufficient guarantees to nationalities as groups. This critique was mainly aimed at the controversial §19 of the 1867 Austrian constitution, which declared that "All national groups have equal rights. Every national group has an inviolable right to the preservation and cultivation of its nationality and language." Renner commented on this paragraph that only a legal entity can hold rights and lodge a complaint about violations and that "[a] non-actionable, unenforceable legal clause is not

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[124] Etbin Kristan, "Nationalismus und Sozialismus in Oesterreich," *Akademie. Organ der socialistischen Jugend*, no. 2/2 (1898): 485–91.

[125] There is an extensive body of literature on Austro-Marxists and Renner. For biographical overviews see e.g.: Anton Pelinka, *Karl Renner zur Einführung* (Hamburg: Ed. SOAK im Junius-Verl., 1989); Walter Rauscher, *Karl Renner: ein österreichischer Mythos* (Wien: Ueberreuter, 1995); Richard Saage, *Der erste Präsident: Karl Renner - eine politische Biografie* (Wien: Paul Zsolnay, 2016). In addition to the three main works analysed here, Renner published numerous other works which touch upon the connected themes of national autonomy. See: Karl Renner, *Die Nation als Rechtsidee und die Internationale* (Wien: Verein Brand, 1914); Rudolf Springer [Karl Renner], *Grundlagen und Entwicklungsziele der Österreichisch-Ungarischen Monarchie* (Wien-Leipzig: Franz Deuticke, 1906); Karl Renner, *Oesterreichs Erneuerung* (Wien: Brand, 1916).

[126] Synopticus [Karl Renner], *Staat und Nation*.

[127] Renner, "State and Nation [1899]."

[128] Rudolf Springer [Karl Renner], *Der Kampf der österreichischen Nationen um den Staat. Das nationale Problem als Verfassungs- und Verwaltungsfrage* (Leipzig-Wien: Deuticke, 1902).

[129] Renner, *Das Selbstbestimmungsrecht der Nationen*.

a legal clause but a pipe dream."[130]

Renner's criticism of §19—though doing no justice to the actual legal practice[131]—served as an important tool to justify one of the central building blocks of his model, namely the personality principle. Renner argued that in a modern state, the premodern personality principle was replaced with the territorial. For instance, in the Carolingian Empire, different tribes lived under different laws, and nations coexisted with different national languages. In a modern state, by contrast, living in a specific territory meant living under the domination, language, and laws of the ruling nation. Renner stressed that nationally exclusive domination over territory, however, cannot produce compromise or equal rights if this territory is multi-ethnic. He thus proposed that the personality principle should also be applied in administering national affairs: "the nations should be constituted not as territorial entities but as personal associations."[132] Following the model of religious communities, which functioned side by side in the same territory, nations had to be turned into public law bodies, associations of persons not having exclusive dominance over a specific part of the state.

In determining the members of these associations, Renner advocated the principle of free individual declaration. In 1874, the International Conference of Statistics, convened in St. Petersburg, identified three main ways of determining belonging: that based on ethnological characteristics; that based on native language; and, finally, that based on the spoken language. Renner rejected all of these three possibilities. For instance, one can be immersed in a specific culture but not consider being a member of the national community. A migrant in another culture can use a specific language on a daily basis, but it does not define belonging. He defined nationality as a "spiritual and cultural community" and argued that membership in such a community could not be automatically defined by any of these three, only by individual "awareness of belonging." Thus, Renner stated that only the "free declaration of national belonging of an individual," which he equalised with the "right for self-determination of an individual," could be a suitable modus to determine belonging.[133]

This free individual declaration meant that Renner was also very inclusive regarding who could potentially count as a German. In his texts, he argued, for instance, that also a person of African descent could belong to Germans, being considerably more inclusive than those who conceptualised belonging based on race. At the same time, this inclusiveness can be seen as an expression of German chauvinism. In his works, Renner stressed the central role of Germans, the

130 Renner, "State and Nation [1899]," 19.
131 See e.g. Stourzh, *Die Gleichberechtigung der Nationalitäten*, 194–96.
132 Renner, "State and Nation [1899]," 23–27.
133 Synopticus [Karl Renner], *Staat und Nation*, 8–11.

German language, and culture in the empire.[134]

In technical terms, Renner proposed that the individual declaration of national belonging will be registered in a national register (he used the term *Nationalmatrikel*). The registered individuals would make up an autonomous body of public law. Members would have the right to participate in elections to institutions of national self-government on different levels (*Gemeinde*, *Bezirk*, *Kreis*, etc.). The most important organ of national autonomy in Renner's project was the national council (*Nationalrath*), "the cultural parliament of the nation." This was to decide on the cultural affairs of nations, such as education, literature, arts, and science, establishing academies, museums, galleries, theatres, and libraries. The executive arm that Renner envisioned was the national ministry headed by a national state secretary (*nationale Staatssekretär*). This institution would connect the nation with the Crown and administer various national institutions, collaborate in the law-making process, and take part in state administration in the questions relevant to the nation. Financially, these institutions would have the right to tax their members and fulfil their tasks with these means.[135]

Thus, Renner's broader idea was to conceptually disentangle nation and territory. This proposal was largely triggered by the complicated post-1867 settlement structure. However, it is equally true that—due to practical reasons—he wanted to implement the ethno-territorial structure to the maximal possible extent which was practically feasible. Along these lines, he wanted to bring the national territorial principle to the lowest possible level and to draw ethnically homogenous local units where possible. As a result, Renner argued that, at the local district level, possibly 90 per cent of them would be homogenous.[136]

The broader architecture of the state that Renner advocated was that each nationality would independently deal with its national-cultural affairs, but all common affairs would be decided jointly. As he put it: "Austria is to be created, where all nationalities govern and administer themselves, each its own affairs alone, all their common ones together."[137]

The young social democrat Otto Bauer (1881-1938) joined in the discussions over non-territorial autonomy in 1907 when he published his doctoral dissertation as a book under the title *Die Nationalitätenfrage und die Sozialdemokratie.*[138] In its main points, the model that Bauer advocated

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[134] Ian Reifowitz, "Otto Bauer and Karl Renner on Nationalism, Ethnicity & Jews," *Journal of Jewish Identities*, no. 2/2 July (2009): 5–6, 8.
[135] Synopticus [Karl Renner], *Staat und Nation*, 11, 20–21, 26–27, 38; Springer [Karl Renner], *Der Kampf*, 67, 184–86, 188–205.
[136] Springer [Karl Renner], *Der Kampf*, 181, 184; Reifowitz, "Otto Bauer and Karl Renner," 4; Bauböck, "Political Autonomy," 89.
[137] Synopticus [Karl Renner], *Staat und Nation*, 12.
[138] Bauer, *Nationalitätenfrage*; Ephraim Nimni, "Introduction for the English-Reading Audience," in *The Question of Nationalities and Social Democracy [1907]*, by Otto Bauer (Minneapolis: University of Minnesota Press, 2000), xvi; for

did not differ from that of Renner, on whose work Bauer heavily relied. Whereas Renner had a much stronger focus on the technical-administrative aspects of solving the nationalities question in Austria, Bauer offered a broader theoretical argumentation and put a much stronger focus on achieving a future socialist society.[139]

Starting his account by defining the nation, he put forward a cultural definition and strongly criticised the theories which defined nations based on blood.[140] In Bauer's understanding, a nation was processual, a constant evolution of differentiation and integration.[141]Although nations demanded either autonomy or full independence, this was, in Bauer's opinion, against economic logic: the development of the economy required broader economic units. According to this thinking, establishing separate small-nation states would be contrary to the logic of economic development, and these states would not be economically viable.[142] Furthermore, continuing the argumentation of Renner, a pure territorialised solution in terms of establishing separate nation-states or autonomous national-territorial units would be practically impossible to introduce due to the complicated settlement structure and the fact that this was continuously in flux due to economic migration.[143] Thus, in line with Renner's project, Bauer proposed constituting nations as personal unions (*Personalitätsprinzip*) and, through this non-territorial solution, solving the national question and saving the empire from collapsing into smaller states.

Both Renner's and Bauer's projects were guided by the broader aim of avoiding the collapse of the empire into smaller states. Ian Reifwoitz has summarised Bauer's justification with two main points. First, one of Bauer's main aims was to preserve a broader market and thus improve the situation of the working class. Second, Bauer believed that keeping small and weak nations united in a big Habsburg state would help them to preserve their independence and protect them from two other empires which he considered aggressive: the Romanov and the Hohenzollern.[144]

Although both Renner and Bauer were from the same party, Bauer's account of the national question had a much stronger Marxist framing. Having the broader aim of establishing a socialist state in mind, he believed that a bigger, multinational political entity rather than smaller

biographies of Bauer see e.g. Ewa Czerwińska-Schupp, *Otto Bauer (1881-1938): Thinker and Politician* (Leiden: Brill, 2017); Ernst Hanisch, *Der große Illusionist. Otto Bauer (1881 - 1938)* (Wien: Böhlau, 2011).

139 Hans Mommsen, *Arbeiterbewegung und Nationale Frage. Ausgewählte Aufsätze* (Göttingen: Vandenhoeck & Ruprecht, 1979), 75.

140 Bauer, *Nationalitätenfrage*, 10–25.

141 Nimni, "Introduction for the English-Reading Audience," xxxv; Ramón Máiz and María Pereira, "Otto Bauer: The Idea of Nation as a Plural Community and the Question of Territorial and Non-Territorial Autonomy," *Filozofija i Društvo / Philosophy and Society* 31, no. 3 (September 30, 2020): 288–92.

142 Bauer, *Nationalitätenfrage*, 389.

143 Bauer, 324–52.

144 Reifowitz, "Otto Bauer and Karl Renner," 8–9.

nation-states would be a suitable arena to move towards this goal. The national and social demands, Bauer argued, were in conflict only in case the bourgeoisie instrumentalised the national question for the sake of establishing cleavages among the workers. Fighting for national culture was, in Bauer's opinion, a part of the broader goal, for in capitalist society, the working classes were cut off from participating in culture and from the cultural community as the property-owning classes dominated culture. According to Bauer's logic, the fight for schools was not separate from the fight for social welfare, such as higher salaries, since it would ultimately help to make national culture the culture of all and enable workers to participate in it. In the broader fight for socialism, working classes were separated into conflicting nationalities, and the fight was hindered by outdated forms of federalism. Thus, national autonomy would be, in Bauer's understanding, the way out of this conflict.[145]

Part of this chapter dedicated to the Romanov Empire will demonstrate that, in Russia, it was foremost Jewish activists who incorporated the demand for non-territorial autonomy in their agendas. In the Habsburg debates over national autonomy, the question of Jewish autonomy was more complicated. Although similar to the Romanov Empire, the Habsburg Jews were among the most dispersed groups, and both Renner and Bauer rejected the idea of Jewish national autonomy.

This approach in their writings was largely rooted in the cultural-legal traditions of the Habsburg Empire. Namely, according to those legal traditions, Jews were not considered a separate nationality (*Volksstamm*) but only a separate religious group.[146]

Renner hardly pondered the Jewish question in detail and followed the principle that Jews were a religious group. As such, in line with his inclusive and voluntarist understanding of the German nation, he also included the individuals of Jewish descent who had declared themselves as Germans.[147] Nevertheless, Renner's writings were not fully consistent on the matter. In essence, he did not entirely reject the possibility of Jewish nationhood. For instance, in 1918, he left it open whether the *Ostjuden* were a mere linguistic or religious group, a forming (*werdende Nation*) or an actual nation.[148]

Otto Bauer dedicated a considerable amount of his treatise to the question of Jewish autonomy and explicitly rejected it. In his analysis, the question of Jewish autonomy was a complicated conglomerate question encompassing themes such as migration, capitalist

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[145] Robert A. Kann, *Das Nationalitätenproblem der Habsburgermonarchie: Geschichte und Ideengehalt der nationalen Bestrebungen vom Vormärz bis zur Auflösung des Reiches im Jahre 1918* (H. Böhlaus, 1964), vol. II, pp. 173–175.
[146] Gerald Stourzh, "Galten die Juden als Nationalität Altösterreichs?," in *Prag - Czernowitz - Jerusalem: der österreichische Staat und die Juden vom Zeitalter des Absolutismus bis zum Ende der Monarchie*, ed. Anna Maria Drabek, Mordekhai Eli'av, and Gerald Stourzh (Eisenstadt: Ed. Roetzer, 1984), 73–117; Stourzh, *Die Gleichberechtigung der Nationalitäten*, 75–80.
[147] Reifowitz, "Otto Bauer and Karl Renner," 5–6.
[148] Renner, *Das Selbstbestimmungsrecht der Nationen*, 11.

development, and assimilation. Bauer wrote that Jews had been a separate nation (*Nation*) during the Middle Ages when they formed a tightly knit separate community with its own language, traditions, religion, and ideology. However, with the development of capitalism, due to social mobility and migration, these ties weakened, and the Jews became part of the working classes and bourgeoise and integrated into other cultural communities. Furthermore, Bauer stressed the importance of territory for a nation. Even the unassimilated Eastern European Jews, Bauer argued, did not form a nation (a non-historical nation at most), the main reason being that they did not have their own territory and lived dispersed among other nations, which made it impossible to preserve a common national identity. If Jewish autonomy should come under consideration, Bauer argued, then only for unassimilated communities in Galicia and Moravia. However, as it would be mainly schooling autonomy, and as they already mastered other languages, it would not make any sense. Bauer further rejected this idea, stressing that it would be against the economic interests of Jewish workers as, via Jewish schools, they would inherit outdated mediaeval views unsuitable for the modern capitalist world.[149]

Politics and practice

Having discussed the theoretical debates over the non-territorial autonomy model in Habsburg Austria, it is worth asking if its advocates managed to win broader support for this model. The short answer is no. In 1899, the Austrian Social Democratic party convened in Brünn/Brno and adopted its nationalities programme, which suggested organising Austria based on the ethno-territorial principle. The proposal by Etbin Kristan on behalf of the south Slav delegation suggested turning every nationality living in Austria into an "autonomous group" administering their national-cultural affairs and leaving territorial units as mere administrative units. In the hefty debates that followed Kristan's proposal, many delegates saw it essentially as the programme that Synopticus (Karl Renner) had recently published. However, this approach was rejected, mainly due to the scepticism about the practical applicability of this model and due to strong support for having national-territorial units.[150]

Non-territorial autonomy never became an official policy in the Habsburg Empire, and it never managed to win broader official support from the Social Democratic Party. Nevertheless,

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[149] Bauer, *Nationalitätenfrage*, 366–81.

[150] *Verhandlungen des Gesamtparteitages der Sozialdemokratie in Oesterreich abgehalten zu Brünn vom 24. bis 29. September 1899 im "Arbeiterheim"* (Wien: Ignaz Brand, 1899), XIV–XVI, 74–93, 104–7; Kann, *Das Nationalitätenproblem*, 160–62; Erwin Viefhaus, *Die Minderheitenfrage und die Entstehung der Minderheitenschutzverträge auf der Pariser Friedenskonferenz 1919. Eine Studie zur Geschichte des Nationalitätenproblems im 19. und 20. Jahrhundert* (Würzburg: Holzner, 1960), 29–33; Trencsényi et al., *History of Modern Political Thought. Volume I*, 514.

although it never became an official programme for state reform, some elements of the model were implemented in practice. Namely, in three provinces of the empire—Moravia (1905), Bukovina (1909), and Galicia (1914)—new electoral laws were introduced which instituted national registers in elections to the provincial assemblies.

In the Moravian Diet, a complicated curial system was introduced according to which separate curiae were instituted for clerics, great landowners, tradesmen, and taxpayers in cities and rural areas. In addition to this, some curiae were divided between Germans and Czechs. Similarly, the Bukovina Diet was divided into similar curiae as the Moravian, and some of these, in turn, were divided between Romanian, Ruthenian, German and Polish delegates. Based on a similar pattern, the seats in the Galician Diet were to be divided between professional and class curiae but also divided between the Polish and Ruthenian delegates.[151] In Moravia, in order to guarantee the representation of different nationalities, most of the voters were nationally classified. The process was organised by the mayors and according to their knowledge on the ground.[152] When the provisional list was complete, it was put on public display. Each individual could ask to be transferred to another list, but the district officers had the final say on the matter. The underlying idea of these compromises was to alleviate the harsh nationalities conflict in the respective provinces. These provisions guaranteed national representation in the assemblies and essentially recognised nations as groups not tied to a specific territory. However, their powers did not go beyond this; they did not possess autonomous rights financially or in implementing policies.[153]

"Common knowledge"

The rejection of a non-territorial answer to the nationalities question in Brünn/Brno in 1899 was, in a way, a starting point for a broader discussion. The fact that Renner had published his draft only shortly before the party congress possibly contributed to the rejection, as it was seen as a new and untested model, although there had been earlier, similar proposals. Nevertheless, debates and further theoretical elaboration on the model continued. Renner and Bauer wrote extensively on the matter, and their texts were discussed in journals and newspapers. Furthermore, as analysed above, some elements of the model were practically implemented in Moravia, Bukovina and

[151] Börries Kuzmany, "Habsburg Austria: Experiments in Non-Territorial Autonomy," *Ethnopolitics* 15, no. 1 (January 1, 2016): 52–58; Börries Kuzmany, "Nationale Aushandlungsprozesse in der späten Habsburgermonarchie am Beispiel des Galizischen Ausgleichs von 1914," *Zeitschrift für Ostmitteleuropa-Forschung* 71, no. 1 (March 31, 2022): 38–80.
[152] T. Mills Kelly, "Last Best Chance or Last Gasp? The Compromise of 1905 and Czech Politics in Moravia," *Austrian History Yearbook* 34 (January 2003): 294–95.
[153] Börries Kuzmany, "Objectivising National Identity: The Introduction of National Registers in the Late Habsburg Empire," *Nations and Nationalism*, 2023.

Galicia. These experiments also became part of the broader discussion as both Renner and Bauer rejected the system of declaring national belonging, arguing that it was not entirely democratic.

Thus, eventually, non-territorial autonomy became a well-known model and was deeply rooted in Austrian political debates. A good example is liberal economist Ludwig Mises (1881-1973). In 1919, after the fall of the Austro-Hungarian Empire, Mises published a collection of articles on politics, the national question, and the economy. In this collection, Mises rejected Otto Bauer's and Karl Renner's model, arguing that it unnecessarily split different affairs by nationality. Schooling, Mises argued, was easily solvable at nationalities' own cost, without the state. Granting national autonomy on the grounds proposed by Renner and Bauer would not have solved the national question, Mises argued, since national struggle was not limited to the language question but included the whole of political life and the economy. As a whole, for Mises, Bauer's and Renner's programme reminded one more of privileges in colonies or in a feudal estate system and was not suitable for a modern democratic society.[154]

As a liberal thinker, Mises' own solution to the national question was to guarantee the freedom of the individual and minimise the role of the state:

> The limitation of the power of the state to the minimum, as liberalism sought, would substantially mitigate the antagonisms that exist between different nations living side by side in the same territory. The only true national autonomy is the freedom of the individual vis-à-vis the state and society. The "nationalisation" of life and the economy inevitably leads to a struggle between peoples.[155]

The fact that a liberal economist still considered Bauer's and Renner's ideas so important that he needed to refute them in 1919 clearly confirms the extent to which the model had become a part of Austrian political discourse.

3. The Romanov Empire and Revolutionary Russia

One of the most important circulators of the idea of non-territorial autonomy in the Russian Empire, during the early phase in particular, were Jewish activists. In many ways, non-territorial autonomy was the most suitable for the Jewish community. Roughly four million Jews lived in Russia by the end of the nineteenth century, and had no territory where they would have formed a majority. Later on, activists of other nationalities in the Russian empire also incorporated the

[154] Ludwig Mises, *Nation, Staat und Wirtschaft. Beiträge zur Politik und Geschichte der Zeit* (Wien-Leipzig: Manzsche Verlags- und Universitäts-Buchhandlung, 1919), 42–45.
[155] Mises, 78–79.

demand into their agendas. As the following part will show, in Imperial and Revolutionary Russia, the acceptance of the model by various political movements was much broader than in the Habsburg Empire. At the same time, looking at the discussions over non-territorial autonomy in these two empires reveals a complicated interconnected discussion. These debates demonstrate inter-imperial circulation and mutual influences; they also show that the model proposed by the Austro-Marxists was highly influential and numerous activists referred to, cited, and reproduced large excerpts of their texts in their own non-territorial autonomy projects. At the same time, in the case of the early ideas of Simon Dubnow (1860-1941), it is not entirely clear how much he was inspired by the Austro-Marxist thinkers. The high number of different ideas of-non-territorial autonomy in different contexts highlights that in the case of a complicated settlement structure, some form or elements of non-territorial arrangements tend to emerge. The model was either discussed or implemented in some form across three different continental European empires: the Romanov, Ottoman, and Habsburg (e.g., compromises in Austria and the millet system in the Ottoman Empire).

Simon Dubnow was the first to articulate Jewish autonomism, a demand for national collective rights in the Russian Empire. He was born in Mstislavl (today's Belarus), but it was in Odessa where he delved into Jewish nationalism. In his letter-essays written between 1897 and 1906, he sketched his programme demanding local and national autonomy for Jews. Dubnow's programme was, in essence, an attempt to translate the national programmes of other nationalities of the empire, which were deeply rooted in a territorial understanding of the nation, into the non-territorial situation of Jews in Russia. In practical terms, he proposed reframing the historical kehilla as secular organs of Jewish self-government.[156]

Dubnow's approach to autonomy was based on historical analysis. He argued that Jews (and all nations) develop in three stages: tribal, political-territorial, and cultural-spiritual. Once a nation has reached the highest stage, cultural-spiritual, its own (nation-)state is no longer required. In this stage, non-territorial autonomy was the suitable form of self-administration. He argued that Jews were the only ones who had achieved the highest stage and did not need a state or territory of their own.[157]

Methodologically, he combined his evolutionary-Darwinist approach to the development of nations with a Hegelian dialectic. In his fourth letter, Dubnow argued that the initial thesis of Jewish development was isolation, meaning that Jews were deprived of basic rights and were confined to small closed communities. In this stage, they had to sacrifice their personal freedom

[156] Rabinovitch, *Jewish Rights*, 2–3; 17–18.
[157] Roni Gechtman, "Jews and Non-Territorial Autonomy: Political Programmes and Historical Perspectives," *Ethnopolitics* 15, no. 1 (January 1, 2016): 69–70.

to strengthen national discipline. The antithesis—the assimilation that followed—Dubnow argued, liberated Jews from tradition but threatened to absorb Jews into other nations, meaning "national suicide."[158]

Dubnow's proposed solution was autonomism, a synthesis of vital elements from the previous stages. He wrote: "The new epoch must combine our equal civic and political rights with social and cultural autonomy."[159] The kehilla were premodern religious Jewish communities which administered the main aspects of the lives of Jews: synagogue, ritual bath, cemetery, and protection of individuals. They also had communal welfare functions and were responsible for educational and cultural affairs and administered justice. In filling these functions, they collected taxes and were, to a certain extent, independent from the rest of the population.[160] Dubnow suggested that kehilla should be adapted to modern social conditions and transformed into national communities for "secular national communal autonomy."[161]

Dubnow's ideas echoed more broadly in Jewish intellectual and political circles. Amid the 1905 Revolution in Vilna, the Union for the Attainment of Full Rights was founded, unifying liberal and moderately socialist parties. Dubnow was one of the leaders of the Union. His ideas were also incorporated into the platform of the organisation, which demanded national-cultural self-determination and the introduction of the secular kehilla. Although the organisation soon met its demise due to internal conflicts, it brought autonomism into mainstream Jewish politics.[162]

Also, the liberal *Yidishe Folkspartey* (Jewish People's Party), one of the founders of which was Dubnow, incorporated autonomism in their 1907 party programme. The platform proposed transforming Russia into a democratic state with equal rights for all nationalities: those nationalities who had a territory of their own should have territorial autonomy; the ones who were scattered should have communal cultural autonomy. They essentially demanded a legally recognised Jewish self-government. The programme called for a democratically elected Jewish constitutional assembly that would draft a constitution of a general council (*vaad*) which would convene yearly and elect executive organs. The tasks of the general council would be to approve the constitutions of local communities and administer Jewish national-cultural life and economic and professional associations. On the local level, the elected board would be responsible for religious and educational affairs and elect taxes to fund its activities. The central organ would also have the right

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158 Simon Dubnow, *Nationalism and History; Essays on Old and New Judaism*, ed. Koppel S. Pinson (Philadelphia: Jewish Publication Society of America, 1958), 131–39.
159 Dubnow, 137.
160 Anke Hilbrenner, Jonathan Lutes, and Luisa Zielinski, "Civil Rights and Multiculturalism: Simon Dubnov's Concept of Diaspora Nationalism," *Osteuropa* 58, no. 8/10 (2008): 105–6.
161 Dubnow, *Nationalism and History; Essays on Old and New Judaism*, 135–41; on his dialectics see also Gechtman, "Jews and Non-Territorial Autonomy," 70–71.
162 Rabinovitch, *Jewish Rights*, 90–99; Hilbrenner, Lutes, and Zielinski, "Civil Rights and Multiculturalism," 109.

to petition the central government.[163]

The emergence of Dubnow's autonomy programme is particularly interesting in light of circulating ideas and possible influences. He claimed that he developed his model of autonomism independently from Karl Renner and Otto Bauer and Jewish intellectuals who advocated these ideas in Russia.[164] He wrote that he had read Renner's article "State and Nation" only after he had written his letters on autonomism. He also wrote that it was pleasing for him to read that Renner had proposed in his *Der Kampf der Oesterreichischen Nationen* similar ideas that he himslef had proposed for Russia's Jews.[165] Historian Simon Rabinovitch argues that there is a scholarly consensus that Dubnow was, in fact, influenced by Austrian Social Democrats.[166] Robert Seltzer, on the other hand, stresses that Dubnow's approach was different from other models of non-territorial autonomy because of his strong historical arguments and bridging the historical kehilla system with modern Jewish autonomy.[167]

Dubnow's ideas and influence continued into the interwar years. Lithuanian territories had been a part of the Jewish Pale of Settlement and also the heart of Jewish cultural and political life in Russia. Between 1918 and 1925, Lithuania experimented with Jewish national autonomy. In many ways, this experiment is rooted in earlier Jewish autonomy discussions. The experiment relied to a large extent on the democratically elected kehilla, which became public law bodies with the right to impose taxes and organise religious, educational, and philanthropic affairs. Dubnow himself observed these developments, admiring the autonomy experiment, and sent his greetings when, in 1923, the first Jewish National Assembly convened in Kaunas[168]

On the Jewish Left, the socialist Jewish Labour Bund was one of the main early advocates of non-territorial autonomy in Russia. Aspiring to be a Jewish section in the all-Russian socialist party, they eventually became the best organised and the most numerous worker's organisation in Russia at the turn of the century.[169] Party members' positions on the national question slowly changed, and they abandoned their earlier assimilationist-cosmopolitan approach.[170] In May 1901, their Fourth Party Congress in Bialystok included national-cultural autonomy into their

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[163] Robert Seltzer, *Simon Dubnow's "New Judaism": Diaspora Nationalism and the World History of the Jews*, *Simon Dubnow's "New Judaism"* (Leiden: Brill, 2013), 158–59; Rabinovitch, *Jewish Rights*, 99–102.
[164] Rabinovitch, *Jewish Rights*, 67.
[165] Rabinovitch, 68.
[166] Rabinovitch, 67.
[167] Seltzer, *Simon Dubnow's "New Judaism,"* 162.
[168] For Jewish autonomy in interwar Lithuania see e.g. Samuel Gringauz, "Jewish National Autonomy in Lithuania (1918-1925)," *Jewish Social Studies* 14, no. 3 (1952): 225–46; V Dohrn, "State and Minorities: The First Lithuanian Republic and S.M.Dubnov's Concept of Cultural Autonomy," in *The Vanished World of Lithuanian Jews*, ed. Alvydas Nikžentaitis et al. (Amsterdam: Rodopi, 2004); Šarūnas Liekis, *"A State within a State?": Jewish Autonomy in Lithuania 1918-1925* (Vilnius: Versus Aureus, 2003).
[169] Roni Gechtman, "A 'Museum of Bad Taste'?: The Jewish Labour Bund and the Bolshevik Position Regarding the National Question, 1903-1914," *Canadian Journal of History/Annales Canadiennes d'histoire* 43, no. 1 (2008): 32–34.
[170] Gechtman, 35.

programme: "The congress recognises that a state such as Russia, which is composed of many different nationalities, must in the future develop into a federation of nationalities in which every nationality enjoys full national autonomy, regardless of the territory which it occupies."[171] The Bund further elaborated on national-cultural autonomy and ratified it again at its Fifth Congress in 1903.[172]

One of the activists who attempted to steer the Bund to a more nationalist programme was John (Dzshon) Mill (1870-1952). He was born in Panevėžys and was active in Vilnius and Warsaw but was forced to go into exile in Geneva. He continued to be active in Russian Jewish politics and established there the Foreign Committee of the Bund. In the late 1890s, he wrote that the only possible national programme for socialists was to advocate full equal rights for all nations. He argued that among western Marxist theoreticians of the multinational state, the territorial dimension of nationality had become almost irrelevant.[173] Interpreting the Brünn/Brno conference resolutions as an endorsement of non-territorial autonomy, he wrote that it showed that "the old rule that a nation is its territory has been replaced by another rule—*that a nation is its culture* [emphasis in original]."[174] Interestingly, Mill justified non-territorial autonomy with references to Karl Kautsky. Kautsky actually proposed a different solution for Austria-Hungary—territorial autonomy within linguistic borders—but he was the chief authority in the socialist camp after Marx and Engels.[175] In many ways, the breakthrough at the Fourth Congress was achieved thanks to the Bundists abroad and thanks to Mill's tireless activism.[176]

Vladimir Medem (1879-1923) was also one of the leading thinkers on the national question in the Labour Bund. He was born in Liepāja to a Lutheran family who had Jewish origins. He never underwent a conversion to Judaism since it was *Yidishkayt*, Yiddish culture and not religion, that he believed to be the defining feature of East European Jews.[177] His most influential work on the national question was a 1904 pamphlet entitled *Social Democracy and the National Question.*[178] Medem opposed the idea of creating separate nation-states. Instead, he argued for a state of

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171 Gechtman, 35; Gechtman, "Jews and Non-Territorial Autonomy," 72–73; Resolution quoted in: Jonathan Frankel, *Prophecy and Politics: Socialism, Nationalism, and the Russian Jews, 1862-1917* (Cambridge: Cambridge University Press, 1984).

172 Gechtman, "Jews and Non-Territorial Autonomy," 73–74.

173 Frankel, *Prophecy and Politics*, 218.

174 Quoted in Frankel, 219.

175 Roni Gechtman, "Yidisher Sotsializm: The Origin and Contexts of the Jewish Labor Bund's National Program" (PhD dissertation, New York, New York University, 2005), 99–100; Joshua D. Zimmerman, *Poles, Jews, and the Politics of Nationality: The Bund and the Polish Socialist Party in Late Tsarist Russia, 1892–1914* (University of Wisconsin Press, 2004), 110–11; for a different interptetation see Rabinovitch, *Jewish Rights*, 56, 64.

176 Frankel, *Prophecy and Politics*, 222.

177 Roni Gechtman, "National-Cultural Autonomy and 'Neutralism': Vladimir Medem's Marxist Analysis of the National Question, 1903-1920.," *Socialist Studies/Études Socialistes*, 2007, 72.

178 For German translation see: Wladimir Medem, "Die nationale Frage und die Sozialdemokratie," ed. Wolfgang Braunschädel and Johannes Materna, *Archiv für die Geschichte des Widerstandes und der Arbeit*, no. 20 (2016).

nationalities since nationalities lived so intermingled and their political and economic lives were, to a great extent, connected, so separating them with neat borders would be impossible. By proposing that nationality should be detached from citizenship, he advocated a state which should be, in a sense, neutral in national affairs.[179]

Medem's approach to national identity can be described as neutral. He argued that social democrats must overcome the oppression of small nationalities by dominant ones. However, he also argued that assimilation as such was not a problem against which social democrats should fight. What was a problem was forced assimilation.[180] In practical terms, he relied on the ideas of Karl Renner and suggested that each nation should have a constitutionally guaranteed right to establish national-cultural autonomy. A nation turned into a legal person should autonomously administer the cultural affairs of the nation. This would also solve the problem of national minorities, which would inevitably accompany ethnic-territorial solutions. He argued that this kind of national-cultural autonomy would have helped to avoid forced assimilation.[181] The Bund's political organisation and ideas outlived tsarist Russia: the Bund continued to be influential in interwar Poland, and national-cultural autonomy remained one of their cornerstones.[182]

The Bund also managed to influence the Russian Social Democratic Labour Party (RSDLP) and its Menshevik wing. Already at the 1903 congress of the RSDLP in Brussels, the Bundist delegates managed to influence the programme on the national question, which included a promise that the nationalities could set up their schools at the expense of the state and local governments. Later on, in 1912, the August Bloc meeting in Vienna agreed with the Caucasian representatives that the national-cultural autonomy model was in accordance with the programmatic demand for self-determination.[183] More explicit programmatic support for this model came with the programme prepared in July 1917 for the election to the Constituent Assembly. This document already included the promise that dispersed nationalities could establish national-cultural autonomy institutions which would independently administer cultural affairs.[184]

Also, the Socialist-Revolutionary Party—the most popular party in 1917, gaining the largest share of votes in the elections to the Russian Constituent Assembly—included non-territorial autonomy in its programme. The Third Congress of the Socialist Revolutionary Party in

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[179] Gechtman, "National-Cultural Autonomy and 'Neutralism,'" 73–74.
[180] Gechtman, 74, 82.
[181] Gechtman, "Jews and Non-Territorial Autonomy," 74–77; Gechtman, "National-Cultural Autonomy and 'Neutralism,'" 74.
[182] J. Jacobs, ed., *Jewish Politics in Eastern Europe - The Bund at 100* (London: Palgrave MacMillan, 2001).
[183] Gechtman, "A Museum," 41–46.
[184] S. M. Dimanshtein, ed., *Revoliutsiia i natsional'nyi vopros: Dokumenty i materialy po istorii nats. voprosa v Rossii i SSSR v XX veke* (Moskva, 1930), 97; Sara Barbieri, "National Minorities in Post-Revolutionary and Soviet Russia (1917-1932). Theoretical Framework and Institutional Arrangements" (Doctoral dissertation, University of San Marino, 2011), 52.

Moscow in late May 1917 adopted resolutions which proposed transforming Russia into a democratic federation with national-territorial autonomies. In addition to this, the resolutions included the demand for non-territorial autonomy: "To conduct all their cultural and national affairs, both a nation without territory and national minorities of regions with a mixed population may be united in extraterritorial personal-autonomous unions, with their local and national representative bodies."[185] The Socialist-Revolutionaries thus advocated for a combination of both principles.

The party programme's positions on the national question and non-territorial autonomy was largely influenced by Nadezhda Briullova-Shaskol'skaia (1889-1937). In fact, the very resolutions advocating non-territorial autonomy were proposed by her when she addressed the congress and analysed the national question.[186]

The noblewoman, ethnographer, and orientalist Briullova-Shaskol'skaia was one of the main experts on the national question in the party in 1917.[187] Having returned to St. Petersburg after studies in Rome, Vienna, and Heidelberg, she established her contacts with the Socialist-Revolutionaries, in particular with the Jewish party members Mark B. Ratner, Chaim Zhitlowsky, and N. M. Friedman, and delved fully into politics in 1917.[188]

In her works on the national question, she analysed the complexity of the national question in Russia, deliberated on defining nationhood, attempted to connect nationalism and socialism, and identified the role of the national principle in Russia's future organisation, proposing that it should be a federation, a "brotherly union of peoples," combining territorial and non-territorial principles.[189] Her thinking on the national question and advocacy of non-territorial autonomy developed at the intersection of Bauer's and Renner's works and the discussions over the model in Russian political discourse. Her references show that she was extremely well-read in the debates and literature on the topic, having referred to authors like Mark Ratner, Chaim Zhitlowsky, Sergiusz Hessen, Mykhailo Drahomanov, Simon Dubnow, Jan Baudouin de Courtenay, A. I. Kastelyanskii, but also western thinkers like Karl Kautsky, Otto Bauer, and Karl Renner. In envisioning her non-territorial autonomy model, Bauer and Renner were her main sources.

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[185] I. V. Nam, ed., "Iz rezoliutsii po natsionalnomu voprosu, priniatoi na II s"ezde partii sotsialistov-revoliutsionerov," in *Natsional'nyi vopros v programmnykh dokumentakh politicheskikh partii, organizatsii i dvizhenii Rossii. nachalo XX v. Uchebnoe posobie* (Tomsk: Izdatel'stvo Tomskogo universiteta, 2016), 153–54; Sergei A. Kan, "N.V. Briullova-Shaskol'skaia. Etnolog, eser, chelovek epokhi," *Etnograficheskoe obozrenie*, no. 2 (2008): 91; Barbieri, "National Minorities," 52; M. Soegov, "O Nadezhde Vladimirovne Briullovoi-Shaskol'skoi (1889–1937)," *Izvestiya Irkutskogo Gosudarstvennogo Universiteta*, no. 14 (2015): 69–70.

[186] Nadezhda Briullova-Shaskol'skaia, "Iz Doklada N.V. Briullovi-Shaskol'skoi 31 Maia 1917 g.," in *Natsional'nyi vopros v programmnykh dokumentakh politicheskikh partii, organizatsii i dvizhenii Rossii. Nachalo XX v. Uchebnoe posobie*, ed. Irina V. Nam (Tomsk, 2016), 152.

[187] Soegov, "O Nadezhde," 70; Kan, "N.V. Briullova-Shaskol'skaia."

[188] Kan, "N.V. Briullova-Shaskol'skaia," 89.

[189] N. V. Briullova-Shaskol'skaia, *Natsional'nyi vopros v Rossii* (Petrograd: Narodnaja vlast, 1917), 24–28.

However, she argued that in Russia, there were two main thinkers of "extraterritorial autonomy."[190] The first, Ratner, had written not only numerous works on the topic but also the introductory essay for the 1909 Russian translation of Springer's *Der Kampf der oesterreichischen Nationen um den Staat*. The second, Zhitlowsky, had written a fifty-four-page introduction to the Russian translation of Bauer's book and managed to "convert Jewish socialists to the cause of nationalism" and find acceptance for the idea that "socialism and national self-consciousness need not be considered mutually exclusive."[191]

In her accounts of non-territorial autonomy, there are many familiar points from other similar studies. She criticised §19 of the Austrian constitution for being mere rights on paper, argued that nation and territory do not conflate, and that there are hardly any states where there would be no minorities. In the case of Russia, she argued that it was a state of nationalities where the relative majority, the 'Great Russians' (*velikorusskaia natsional'nost*), constituted less than half of the overall population (47 per cent). More than half were 'foreigners' (*inorodtsy*; including Ukrainians and Belorussians).[192]

In defining ethnic belonging, Briullova-Shaskol'skaia rejected both territorial definitions and language-based definitions. What she proposed was the subjective principle of personality, the individual (*lichnost'*). The nation, she continued, is a social complex, a group of persons with whom an individual develops and to which one belongs. The personality principle meant for Briullova-Shaskol'skaia free self-determination of the individual, which she considered to be one of the main principles of the party. Nevertheless, whereas Karl Renner had proposed a system where the entire population would have been ethnically categorised into different groups, Briullova-Shaskol'skaia left open the theoretical possibility that one does not want to be affiliated with and lives outside a nation.[193]

Chaim Zhitlowsky (1865-1943) was also closely affiliated with the Socialist-Revolutionary Party and was among the pioneers of non-territorial autonomy for Jews in Russia. As early as the 1880s, he started to combine theoretically nationalism and socialism and demanded equality of Jews with other nationalities, writing extensively on Jewish national autonomy. He was a fierce advocate of Yiddish and called on Jews to form a modern nation. Zhitlowsky was one of the leading figures that triggered broader discussions over autonomy among Russian Jewish political

[190] Briullova-Shaskol'skaia, 25; N. V. Briullova-Shaskol'skaia, *Partiia sotsialistov-revoliutsionerov i natsional'nyi vopros*, 45 (Petrograd, 1917), 28–29.
[191] Rabinovitch, *Jewish Rights*, 56 (quote); see also p. 67 and page 298n54; Jack Jacobs, *On Socialists and "the Jewish Question" After Marx* (New York: NYU Press, 1992), 139–40.
[192] Briullova-Shaskol'skaia, "Iz Doklada N.V. Briullovi-Shaskol'skoi 31 Maia 1917 g.," 146; Briullova-Shaskol'skaia, *Partiia sotsialistov-revoliutsionerov i natsional'nyi vopros*, 22–25.
[193] Briullova-Shaskol'skaia, "Iz Doklada N.V. Briullovi-Shaskol'skoi 31 Maia 1917 g.," 146–47.

circles. As seen above, he was one of the main circulators of non-territorial autonomy, initiating translations and writing a foreword to the Russian-language translation of Bauer's book.[194]

Zhitlowsky, who lived several years abroad, also demonstrates how the discussions over the national question in the Habsburg and Romanov Empires cannot be reduced to the onew-way transmission of Renner's and Bauer's work into Russia but the interaction was more complicated. Historian Simon Rabinovich has shown how, on the eve of the 1899 Austrian Social Democratic Party's Brünn congress, with the aim to influence the discussions, Zhitlowsky published an article on socialism and the national question in the journal *Deutsche Worte* criticising the antinational sentiments among the socialist movements of dominant nations. While not proposing an outright non-territorial autonomy programme in the article, Zhitlowsky nevertheless stressed the importance of the right of nations to independently constitute themselves culturally.[195] This Viennese journal was not only an important intellectual and political forum in Austria, but Karl Renner himself published an article on administration in the same journal in the same year, meaning that he likely also read Zhitlowsky.[196]

Many individuals whose work Briullova-Shaskol'skaia relied on were affiliated with the Jewish Socialist Labour Party (*Sotsialisticheskaia evreiskaia rabochaia partiia*, SERP), a political party closely connected with the Socialist-Revolutionary Party, both in terms of its programme and organisation.[197] Mark Ratner and Chaim Zhitlowsky, whom Briullova-Shaskol'skaia mentioned, were not only leading figures of the party but also advocates of non-territorial autonomy. In 1909, the SERP had published the Russian translation of Bauer's main work with a lengthy introduction written by Zhitlowsky, thus helping to circulate the idea.[198] The party circles also circulated non-territorial autonomy ideas with the help of the translations of Karl Renner's works to which Ratner wrote extensive forewords.[199]

In the programme of 1909, the party also incorporated demands for non-territorial autonomy. According to their programme, Russia had to be organised by units based on criteria other than nationality, such as geography, economy, and historical-cultural conditions. Regarding national autonomy, it included a detailed vision for Jewish autonomy. It would have relatively

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[194] Rabinovitch, *Jewish Rights*, 55–56, 67–68; Oscar Janowski, *The Jews And Minority Rights* (New York-London: Columbia University Press, 1933), 51–57.
[195] Chaim Schitlowsky [Zhitlowsky], "Der Socialismus und Nationalitätenfrage," *Deutsche Worte*, no. 8–9 (1899): 305–43; Rabinovitch, *Jewish Rights*, 58.
[196] Rudolf Springer [Karl Renner], "Die innere Gebietspolitik mit besoderer Rücksicht auf Oesterreich," *Deutsche Worte*, no. 12 (1899): 431–63.
[197] Rabinovitch, *Jewish Rights*, 63.
[198] Otto Bauer, *Natsional'nyi vopros i sotsial-demokratiia (s predisloviem H. Zhitlovskogo)*, trans. M. S. Panin (St. Peterburg: SERP, 1909); Rabinovitch, *Jewish Rights*, 67.
[199] Synopticus [Karl Renner], *Gosudarstvo i natsiia* (St. Petersburg, 1906); Rudolf Springer [Karl Renner], *Natsional'naia problema: Bor'ba natsional'nostei v Avstrii*, ed. M. Ratner, trans. M. Braginskii and A. Brumberg (St. Peterburg, 1909).

broad array of powers, including not only schooling and cultural institutions but also vocational and agricultural training, social welfare, and loan and insurance institutions. Since the SERP autonomy programme proposed creating autonomy based on transformed Jewish communities and was designed to have broad powers, it bears a resemblance to the autonomy programme of Dubnow.[200]

The Bolsheviks exemplify a case of the rejection of the non-territorial autonomy model and the implementation of a linguistic-territorial model in the Soviet state. At the turn of the century, Lenin's (1870-1924) ideas on the national question developed in debate with those of the Bund, which were more influential at the time than Lenin's own ideas and those of his *Iskra*-circle.[201] Starting from 1912, debates over the national question intensified when Lenin engaged in fierce polemics with the Bund. Lenin wrote that, by demanding national-cultural autonomy, the Bund was encouraging harmful nationalism. He argued that national-cultural autonomy was dangerous since such propaganda corrupted workers and was not in accordance with the internationalist orientation of the working class. In essence, Lenin wrote, national-cultural autonomy meant segregating nationalities similar to black people in the United States.[202] Lenin, however, used Bauer's own arguments, writing that Jews are not a nationality, since there cannot be a nation without a territory. For Jews, Lenin continued, there are only two alternatives: assimilation or isolation.[203]

While Lenin also supported the right of national self-determination and even secession, it was more of a tactical step for the sake of a larger goal. He distinguished two forms of nationalism: the one of a dominant nation and the one of a less powerful small nation. He argued that the nationalism of a dominant nation encouraged feelings of superiority and not unity with the oppressed. This, in turn, produced mistrust and opposition to the tsarist regime and thus nullified the progressive importance of a centralised state. In this context, support for national self-determination served as a useful tool in two ways. First, it would clear away any mistrust of the oppressed and, secondly, the support for this right would encourage them not to secede. As Jeremy Smith has argued, it was not a doctrine for a future political organisation but a tool to overcome national mistrust. In this regard, Lenin's ideas differed greatly from the Austro-Marxists, who saw nations as permanent entities and encouraged national particularism, whereas Lenin aimed to end

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200 "Programma Evreiskoi sotsialisticheskoi rabochei partii (SERP) (1906 g.)," in *Programmy politicheskikh partii Rossii. Konets XIX – nachalo XX v* (Moskva, 1995), 192–207; Kuzmany, *Vom Umgang mit nationaler Vielfalt*, chap. 6.
201 Gechtman, "A Museum," 35–36.
202 Gechtman, 50.
203 Gechtman, 52; For Lenin's critique see also Bill Bowring, "Austro-Marxism's Last Laugh?: The Struggle for Recognition of National-Cultural Autonomy for Rossians and Russians," *Europe-Asia Studies* 54, no. 2 (2002): 238–39; Bill Bowring, "Burial and Resurrection. Karl Renner's Controversial Influence on the 'national Question' in Russia," in *National-Cultural Autonomy and Its Contemporary Critics*, ed. Ephraim Nimni (New York: Routledge, 2005), 163–64.

national divisions.[204]

One of the most influential Bolshevik treaties on the national question was Joseph Stalin's (1878-1953) *Marxism and the National Question,* written in 1913 and published in the Bolshevik journal *Prosveshchenie*.[205] The work was commissioned by Lenin, and Stalin worked on it in Vienna but had a draft ready already before arriving in Vienna. It is widely considered one of the most influential texts on the national question in the Marxist tradition. This work made Stalin one of the authorities on the question among the Bolsheviks.[206] Later on, it was one of the central texts of the Bolshevist-Stalinist doctrine on the national question.

Stalin's work was mainly aimed against those who supported national-cultural autonomy: Austro-Marxists, the Bund, and Caucasian Social Democrats.[207] In this work, Stalin gave a definition of a nation that later became authoritative in the Soviet Union and also in other Marxist movements. He argued that a nation "is a historically constituted, stable community of people, formed on the basis of a common language, territory, economic life, and psychological make-up manifested in a common culture."[208] Continuing the ongoing debate, he argued that Jews were not a separate nation, since they lacked their own territory and lived among other nations whose economic and political life they were closely connected to, just like Bauer had argued. [209] Therefore, they were gradually assimilating: "the Jewish nation is coming to an end, and hence there is nobody to demand national autonomy for."[210]

Stalin argued that whereas non-territorial autonomy may have been applicable in the Austro-Hungarian empire, but it was not suitable for the specific Russian context. He made the criticism that the freedom of nationalities was only a petty reform, and neither a necessary radical change nor proper democratisation. The latter was, Stalin argued, required in Russia.[211] Russia did not need "milk-and-water cultural-national autonomy of the Austrians" but, instead, "bold actions."[212] Furthermore, Stalin argued that the central question in Russia was not the national question, but the agrarian. The national question was only solvable together with the agrarian question, but this required deeper renewal, abolishing the "relics of feudalism" and inducing democratisation.[213]

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[204] J. Smith, *The Bolsheviks and the National Question, 1917–23* (London: Palgrave Macmillan, 1999), 15–16.
[205] For English translation see: Joseph Stalin, "Marxism and the National Question," in *Works. Volume 2: 1907-1913* (Moscow: Foreign Languages Publishing House, 1953), 300–381.
[206] Erik Van Ree, "Stalin and the National Question," *Revolutionary Russia* 7, no. 2 (1994): 220–21.
[207] Gechtman, "A Museum," 56.
[208] Stalin, "Marxism and the National Question," 307; also quoted in Gechtman, "A Museum," 57–58.
[209] Gechtman, "A Museum," 60.
[210] Stalin, "Marxism and the National Question," 345; Gechtman, "A Museum," 60.
[211] Stalin, "Marxism and the National Question," 326–28.
[212] Stalin, 329.
[213] Stalin, 330.

Stalin argued that the non-territorial autonomy that the Bund, Renner, and Bauer advocated was mere nationalism disguised in socialism. This kind of hidden version of nationalism, he continued, was even more dangerous since it poisoned workers, encouraged the segregation of nationalities, and was ultimately harder to fight against than an unmasked version of nationalism.[214]

Stalin argued that national autonomy uniting all members of a nation dispersed in the state would be artificial. People who had settled in new regions of the state were more connected with this part than with their nation. Eventually, they would acquire new habits and even a new language. "Is it conceivable that, for instance, the Germans of the Baltic Provinces and the Germans of Transcaucasia can be 'united into a single nation'? But if not conceivable and possible, wherein does national autonomy differ from the utopia of the old nationalists, who endeavoured to turn back the wheel of history?"[215]

In practical terms, regarding how to administer a state consisting of multiple nations, Stalin advocated regional autonomy. This was suitable for already crystallised units like Poland, Lithuania, and Ukraine. Stalin stressed that the advantage of this kind of regional autonomy over national-cultural autonomy or federalism was that the latter two would segregate nationalities within the same territory. Regional autonomy would unite the people inhabiting the territory, irrespective of their nationality.[216]

The underlying principle to which the architecture of the Soviet state ultimately adhered was that of national territories and not extraterritorial national-cultural autonomy.[217] However, a pure territorial model was not able to avoid the creation of ethnic minorities within units. In practice, there were elements of extraterritoriality: for instance, providing education in the mother tongue and establishing cultural organisations outside the home territory.[218]

Furthermore, Soviet practices demonstrate a closer affinity between the Bolsheviks and the Austro-Marxists. The Bolsheviks aimed to preserve and cultivate national particularities, structured the party along national lines, and spoke to the workers in their mother tongue. In addition, they structured the state according to national-territorial lines that delimited workers according to their nationality.[219] Scholars have described this Soviet ethnic structure with powers

[214] Gechtman, "A Museum," 58.
[215] Stalin, "Marxism and the National Question," 339.
[216] Gechtman, "A Museum," 59; Smith, *Bolsheviks and the National Question*, 19.
[217] Terry Martin, *The Affirmative Action Empire: Nations and Nationalism in the Soviet Union, 1923-1939* (Ithaca: Cornell University Press, 2001), 10.
[218] Martin, 32–33.
[219] Matthias Battis, "On Common Ground – Soviet Nationalities Policy and the Austro-Marxist Premise [Forthcoming]," *Europe-Asia Studies*, 2023.

in national-cultural issues as a "territorialised cultural autonomy."[220]

Liberal politicians of the Constitutional Democratic Party were also among the supporters of non-territorial autonomy for the nationalities of Russia. Polish linguist Jan Baudouin de Courtenay (1845-1929), who was active in the party, was among those intellectuals who moved the agenda towards non-territorial solutions but who did not advocate a full non-territorial autonomy programme. He had studied in Prague, Jena, Berlin, and Leipzig and held academic positions and professorships in linguistics in the Romanov (Kyiv, Kazan, Dorpat, St. Petersburg) and the Habsburg Empires (Krakow). But he was also politically active and interested in the national question. During and in the aftermath of the 1905 Revolution, he participated in the activities of the Union of Autonomists-Federalists in St. Petersburg and joined the Constitutional Democratic Party.[221]

In connection to the activities of the Union of Autonomists-Federalists, in 1907 he wrote a pamphlet entitled *The National and the Territorial Criterion in Autonomy*, his main work on the national question, which was published several years later in 1913. The book was banned by censorship, and the 69-year-old professor had to spend three months in prison.[222]

Baudouin de Courtenay's programme for Russia included a significant non-territorial dimension. He argued that federalism was a suitable model to salvage Russia from decomposition and to provide sufficient rights for the nationalities of the empire. In more practical terms, he rejected that federation should consist of autonomous ethno-territorial units. He regarded this model impossible because of ethnically mixed territories. In designing the constitutive units of the federation, he also rejected drawing them based on the principle of historical rights and proposed a combination of economic and geographical factors and relying on already existing units. One of the examples was the already existing "political" Poland, which did not encompass Polish ethnic borders. These autonomous territories would administer affairs which are common to all nationalities living in the territory, and national autonomy was to be solved by a law on the freedom of unions and societies.[223]

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[220] Malte Rolf, "Nationalizing an Empire: The Bolsheviks, the Nationality Question, and Policies of Indigenization in the Soviet Union (1917–1927)," in *The First World War and the Nationality Question in Europe: Global Impact and Local Dynamics*, ed. Xosé M. Núñez Seixas (Leiden: Brill, 2020), 70–71.

[221] Alexander Dmitriev, "Philologists–Autonomists and Autonomy from Philology in Late Imperial Russia: Nikolai Marr, Jan Baudouin de Courtenay, and Ahatanhel Krymskii," *Ab Imperio* 2016, no. 1 (May 25, 2016): 143–49; see also: Robert A. Rothstein, "Baudouin de Courtenay and the Ukrainian Question," *Harvard Ukrainian Studies* 16, no. 3/4 (1992): 315–23.

[222] Jan Niecisław Ignacy Baudouin de Courtenay, *Natsional'nyi i territorial'nyi priznak v avtonomii* (Sankt Peterburg: M. M. Stasiulevich, 1913); Dmitriev, "Philologists–Autonomists," 143–49; see also: Rothstein, "Baudouin de Courtenay."

[223] Baudouin de Courtenay, *Natsional'nyi i territorial'nyi*; Main arguments are summarized in Trencsényi et al., *History of Modern Political Thought. Volume I*, 522–24.

Baudouin de Courtenay sketched the model of administering national affairs with rather broad brushstrokes. The solution was derived from his liberalism, which meant fewer state institutions. Thus, to administer the schooling affairs of nationalities, he proposed loosely and freely organised associations encompassing individuals on a voluntary basis rather than state structures. These groups would have the right to establish schools and get funds proportionally from the state budget. Although he argued that administering and building territorial units of the federation should be detached from ethnicity, he also argued that in schools, the language of instruction would be decided by the majority of the respective unit of the state. This, however, was purely the language of instruction, and otherwise, schools had to be non-partisan. He argued that if a minority of the state demanded their own school, the majority had to accept this demand, open the school, and provide funds for it. The other option was that each cultural group could freely establish schools but without any funds from the state.[224]

In the Constitutional Democratic Party, Fedor Kokoshkin (1871-1918) and Boris Nolde (1876-1948) were the main thinkers conceptualising the national question and who fiercely opposed the national-territorial autonomy and federalisation of Russia. Instead, they proposed non-territorial arrangements. For both, rejecting a federation of national territories was connected with the understanding of imperial dominance over the lands of the empire and the need to avoid the weakening of the empire. Kokoshkin and Nolde argued that due to the complicated population structure, it would be impossible to draw neat, ethnically homogenous units and that it would create a dominant nation within the territory and minorities subjected to it. There were only two regions for which Kokoshkin would have allowed a national-territorial solution: Poland and Finland.[225]

A lot of their thinking revolved around the question of Ukraine. Nolde explicitly rejected Ukrainian autonomy, arguing that there was no historical justification for it and that it would economically divide Russia and deprive it from access to the Black Sea and wheat production. When in July 1917 the Russian Provisional Government agreed to declare the General Secretariat of the Ukrainian Central Rada the supreme organ of Ukraine, both Kokoshkin and Nolde,

[224] Baudouin de Courtenay, *Natsional'nyi i territorial'nyi*, 50, 52–53, 77.
[225] Ikeda Yoshiro, "Toward an Empire of Republics: Transformation of Russia in the Age of Total War, Revolution, and Nationalism," in *Comparing Modern Empires: Imperial Rule and Decolonization in the Changing World Order*, ed. Tomohiko Uyama and Yūrashia Kenkyū Sentā Surabu (Sapporo: Hokkaido University, 2018), 119–46; Peter Holquist, "The Dilemmas of an 'Official with Progressive Views' – Baron Boris Nolde," *Baltic Yearbook of International Law Online* 7, no. 1 (January 1, 2007): 233–71; Alexander Semyonov, "'The Real And Live Ethnographic Map Of Russia': The Russian Empire In The Mirror Of The State Duma," in *Empire Speaks Out: Languages of Rationalization and Self-Description in the Russian Empire*, ed. Ilya Gerasimov, Jan Kusber, and Alexander Semyonov (Leiden: Brill, 2009), 225–26; Tatiana Khripachenko, "National Challenges to Decentralization: Autonomy and Federation in the Russian Liberal Discourse, 1900-1914" (PhD thesis, Budapest, Central European University, 2015), 225.

members of the Provisional Government's Juridical Commission, objected to this step.[226] Also, Estonian national activists described how they experienced Kokoshkin's strong opposition to the application to create Estonian territorial autonomy in the spring of 1917.[227] Historian Peter Holquist has described Nolde's position on the national question and his rejection of national-territorial autonomy as a position of an imperial administrator advocating a top-down rather than bottom-up administration.[228]

Fedor Kokoshkin, under the influence of Georg Jellinek from his studies in Germany, distinguished between autonomy and self-government as early as 1905 and even more in 1917 at the party congresses. He proposed decentralisation, which meant self-government that was limited to local affairs without the right to issue laws. Kokoshkin saw the necessity to guarantee nationalities the right to administer their affairs, but this "cultural autonomy" was limited to the use of native language and the development of culture. As historian Ikeda Yoshiro has described his model, Kokoshkin proposed a model of "non-national decentralisation."[229]

Nolde's solution to the national question was non-territorial, relying on the principle of the individual. He argued that instead of the territorial principle, every individual should have the right to use their native tongue in communication with the authorities. He held that groups that identify themselves as a nation should have the right to establish national unions with cultural tasks.[230] What he proposed was creating public law organisations for nationalities which would deal with their educational and religious affairs.[231] He argued that this cultural autonomy had to be complemented with proportional elections.[232]

In Nolde's understanding, this system had to be modelled after historical examples, namely religious communities. The example he brought was the 1836 charter of the Armenian Gregorian Church. The charter stated that all Armenians, irrespective of their place of residence, were members of a community responsible for their cultural needs. He even argued that the Provisional Government had supported this principle in Georgia in terms of the Georgian Orthodox Church.[233] Another example he brought was the historical Jewish communal system (kehilla) which could be similarly modified for the modern world.[234]

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226 Yoshiro, "Toward an Empire," 138.
227 *Mälestused iseseisvuse võitluspäevilt. I köide: Revolutsioon ja okupatsioon 1917-1918* (Tallinn: Rahvaülikool, 1927), 67.
228 Holquist, "Dilemmas," 248; for a fresh study see Yuki Murata, "Multiple Paths to Autonomy: Moderate Ukrainians in Revolutionary Petrograd," *Kritika: Explorations in Russian and Eurasian History* 22, no. 2 (2021): 255–84.
229 Yoshiro, "Toward an Empire," 121–27, 132–39.
230 Holquist, "Dilemmas," 249.
231 Tatiana Khripachenko, "Beyond the Borders of the Fallen Empire: André Mandelstam's Project for Non-Territorial Autonomy," *Nationalities Papers* 50, no. 5 (September 2022): 976.
232 Georg von Rauch, *Russland: staatliche Einheit und nationale Vielfalt: föderalistische Kräfte und Ideen in der russischen Geschichte* (München: Iser-Verlag, 1953), 198.
233 Holquist, "Dilemmas," 249–50.
234 Holquist, 250.

Nolde and Kokoshkin managed to influence the party programme and include non-territorial autonomy. Thanks to Nolde's presentation at the Ninth Congress of the Constitutional Democratic Party in July 1917 that the party revised its programme and, instead of territorial autonomy, advocated a model of individual nationality.[235]

Non-Territorial Autonomy as a common coin in 1917: the Congress of the Nationalities of Russia in September in Kyiv

Previous sections have shown how broadly and in how many different circles the non-territorial autonomy model found support in Russia. By the revolutionary year of 1917, it became a principle that the national movements in the western parts of Russia proposed to be implemented together with turning Russia into a federation of national-territorial units. Regarding this, the September Congress of the Nationalities of Russia in Kyiv deserves a closer look since it helps to understand the spread and circulation of the non-territorial idea since it managed to assemble all major western nationalities of Russia and expressed strong adherence to the principle of federalism, and demanded non-territorial autonomy. This sub-chapter will focus on organising the event, the participants, and the decisions made. Chapter 3 offers an overview from the Estonian perspective.

By the time the congress convened in September, many national movements across Russia had incorporated the demand of territorial and non-territorial autonomy into their programmes.[236] As early as during the Revolution of 1905, the Lithuanian Polish lawyer Tadeusz Wroblewski (Tadas Vrublevskis) advocated the idea of personal cultural autonomy, drawing on the ideas of the Austro-Marxists, proposing that the administration of national affairs should be given to nationalities and funded from the state budget.[237] In May 1917, the first All-Russian Muslim Congress convened in Moscow with 900 delegates to set an agenda for the elections to the Constituent Assembly. Delegates of the unitarian or centralist caucus were the most ardent supporters of non-territorial autonomy, and some members, such as Akhmed Tsalikov, explicitly drew on the ideas of Austro-Marxists whereas the federalists, the majority of the delegates, supported a territorial solution. Ultimately, the resolutions passed at the congress supported a combination of non-territorial and territorial provisions demanding territorial autonomy for

[235] Dimanshtein, *Revoliutsiia i natsional'nyi vopros*, 83–84; Holquist, "Dilemmas," 247; Rauch, *Russland*, 198.
[236] For broader background see also: Osipov, "Nonterritorial Autonomy in Northern Eurasia," 207–208.
[237] Darius Staliunas, "Hybrid Identities in the Era of Ethno-Nationalism: The Case of the 'Krajowcy' in Lithuania," *Acta Baltico-Slavica* 42 (December 31, 2018): 257–58; Rimantas Miknys and Darius Staliūnas, "The 'Old' and 'New' Lithuanians: Collective Identity Types in Lithuania at the Turn of the Nineteenth and Twentieth Centuries," in *Forgotten Pages in Baltic History: Diversity and Inclusion*, ed. Martyn Housden and David James Smith (Amsterdam: Rodopi, 2011), 37–38.

Muslims in the borderlands and non-territorial autonomy in European Russia and Siberia.[238] Between 1913 and 1914, the Latvian Social Democrats Marģers Skujeneeks and Miķelis Valters saw the usefulness of the non-territorial autonomy model not only in defending the Latvian diaspora in Russia but also in defending minorities in Latvia.[239] Also, the Georgian Social Democrats engaged in rich discussion over the national question and territorial and non-territorial solutions. Noe Zhordania, for one, emphasised possible dangers of national-territorial autonomy, such as increasing tensions between nationalities and empowering the bourgeoise. Instead, he proposed creating a certain Caucasian territorial unit defined economically and politically, but not ethnically, and called for autonomous cultural bodies to deal with the national affairs of each nationality.[240]

During the revolutionary year of 1917, the idea of organising a congress encompassing as many nationalities of Russia as possible started to germinate due to unfulfilled expectations. In April, all members of the four Dumas convened in Petrograd and an even bigger Moscow State Conference with around 2500 attendants convened in August, organised under the guidance of the Provisional Government. Many national activists felt that such grand meetings and the policies of the Provisional Government were unable to address their concerns and that such meetings were without any real outcome.[241]

During the First World War, national activists collaborated in Petrograd and this eventually led to the Kyiv congress in September 1917.[242] Activists established connections and discussed the idea of establishing a committee encompassing all nationalities of the empire that showed a certain level of culture and who did not have the aim to secede. The autonomist circles of Petrograd decided to organise a congress encompassing Russian nations, and eventually, the Ukrainian Central Rada took over the task of organising such an event. Between 8 and 15 September 1917, the Congress of the Nationalities of Russia (Ukr. *Z'izd ponevolenikh narodiv Rosii*) convened in Kyiv.

National representative bodies (such as seim or rada etc.), national organisations, and unions of national organisations, as well as political parties could send representatives to participate in the Kyiv congress. Each nationality could send up to ten delegates.[243] Altogether 93 delegates arrived in

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238 Shafiga Daulet, "The First All Muslim Congress of Russia Moscow, 1–11 May 1917," *Central Asian Survey* 8, no. 1 (January 1, 1989): 21–47; Elizabeth Bospflug, "The Muslim" Federalist Debate" in Revolutionary Russia," *Ab Imperio* 2017, no. 1 (2017): 131–62.

239 Marina Germane, "Civic or Ethnic Nation? Two Competing Concepts in Interwar Latvia," *Nations and Nationalism* 18, no. 3 (July 1, 2012): 439–60.

240 Stephen F. Jones, *Socialism in Georgian Colors: The European Road to Social Democracy, 1883–1917* (Harvard University Press, 2005), 227–35.

241 *Mälestused iseseisvuse võitluspäevilt. I köide*, 269–72.

242 Karl Tiander, *Das Erwachen Osteuropas: die Nationalitätenbewegung in Russland und der Weltkrieg: Erinnerungen und Ausblicke* (Wien-Leipzig: Universitäts-Verlagsbuchhandlung, 1934), 94–98; Rauch, *Russland*, 183–85.

243 Mati Graf, *Poliitilised parteid Eestis 1917-1920* (Tallinn: Eesti Raamat, 1982), 122; Mati Graf, *Eesti rahvusriik: ideed ja lahendused: ärkamisajast Eesti Vabariigi sünnini* (Tallinn, 1993), 162–64.

Kyiv representing more than ten nationalities: Jews, Tartars, Estonians, Latvians, Ukrainians, Lithuanians, Belarussians, Poles, Rumanians, Turkmens, Georgians, and even Cossacks.[244] Two-thirds of them were from various socialist parties.[245] In addition to the representatives of nationalities, M. Slavins'kyi, a representative of the Provisional Government took part and addressed the congress.[246] The seven-day congress was presided over by Mykhailo Hrushevsky, the president of the Ukrainian Central Rada.

The broader political agenda of the congress was to turn Russia into a democratic federation. More specifically, the structure of the future federation had to be based on the national-territorial principle. This was the overarching idea among the circles in Petrograd that initiated the idea of the convocation of such a congress.[247] At the Kyiv congress, this support for the territorial structure was confirmed with a resolution: "big territorial units inhabited by one nation can, according to their wishes, form one or more federal units."[248]

Strong attachment to the ethno-territorial structure of Russia echoed not only in general resolutions but also in the specific ones that focused on individual nations. For example, the resolution on the Belarusian *Bundesland* stated that it must be within the ethnographic borders of Belarusians; the resolution on Latvia stated that all Latvian territories must be united into one autonomous Latvia by a special decree of the Provisional Government.[249]

However, the territorial focus was complemented with non-territorial provisions, mainly due to strong advocacy by the Jewish delegates, in particular, Zeev Jabotinsky.[250] The congress resolution stated that nations, for example, Jews, who did not inhabit a compact territory, would be guaranteed the right to "extraterritorial-personal autonomy." The resolutions on "national-personal autonomy" passed at the congress stated that a pure national-territorial solution would not be sufficient and that there were nationalities who were nowhere in the majority. As a solution to this, they endorsed non-territorial autonomy:

> I. Each of the nationalities inhabiting Russia has the right to national-personal autonomy, i.e., to construct the nation into a union of public law embracing its members in the entire state.
> II. The sphere of powers, as well as the concrete forms of the internal organisation of the institution of national autonomy, is determined by the Constituent Assembly of

[244] For the list of participants see O. P. Reent and B. I. Andrusishin, eds., *Z`izd ponevolenikh narodiv (8-15 veresnya 1917 r.). (21-28 veresnya n. st.)* (Kyiv: Natsional'na Akademiya nauk Ukraïny, Institut istorii Ukraïny, 1994), 68–71.
[245] Reent and Andrusishin, 9, 68–71.
[246] *Mälestused iseseisvuse võitluspäevilt. I köide*, 80.
[247] Tiander, *Das Erwachen Osteuropas*, 94–98; Rauch, *Russland*, 183–85.
[248] Dimanshtein, *Revoliutsiia i natsional'nyi vopros*, 443–49.
[249] Dimanshtein, 445–46; Andrew Ezergailis, "The Latvian Liberals and the Federative Tradition During the 1917 Revolution," *Lituanus. Lithuanian Quarterly Journal of Arts and Sciences* 17, no. 3 (1971).
[250] *Mälestused iseseisvuse võitluspäevilt. I köide*, 12–13.

> the people in question, which has been convened on the basis of universal, equal, direct, secret and proportional suffrage regardless of gender.[251]

After the congress, there were efforts to put these ideas into practice. A special standing Council of Nations with a seat in Kyiv and Hrushevsky as a chairman was established, and a separate consultative body had to be created in the Provisional Government. The Council even established its own journal, *The Free Union* (*Svobodnyi Soiuz*) and held a meeting in October. However, the Bolshevik seizure of power ultimately made these efforts futile.[252] The agenda formulated in Kyiv remained the core demands of the nationalities and the main points were repeated a month later in the Pre-Parliament.[253]

Although the agenda set at the congress was not realised, it is still a crucial event in the history of non-territorial autonomy in the region. It demonstrated that many nationalities and parties in Russia, although they mainly demanded an ethno-territorial structure for Russia, agreed on the limitations of territorial solutions and supported non-territorial autonomy provisions and fixed these ideas in official resolutions. As such, the broader reception and discussion in Russia followed a different path from the Habsburg Empire, where even the social democratic party rejected it; in Russia, it became a shared programmatic demand.

In a way, the Kyiv congress is a "non-territorial moment"—a central moment in time around which there was intensified interest in the model, perhaps even the peak, although they were not necessarily causally connected. Many nationalities and parties who had proposed it came together and jointly endorsed it. After the congress, there was broad coverage of the event and its resolutions in the press of the respective nationalities. A few months later, on January 24, 1918, the Ukrainian Central Rada passed the first full-fledged law based on the model, the Law on National-Personal Autonomy.[254] Similarly, in February 1918, Estonia declared independence and included the very promise in the Independence Manifesto. Some participants, for instance, Max Laserson, were important advocates of non-territorial autonomy in 1917 and remained important advocates through the interwar years.[255]

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[251] Dimanshtein, *Revoliutsiia i natsional'nyi vopros*, 444–45.

[252] Dimanshtein, 448–49; Rauch, *Russland*, 209; Seppo Zetterberg, *Die Liga der Fremdvölker Russlands 1916-1918: ein Beitrag zu Deutschlands antirussischem Propagandakrieg unter den Fremdvölkern Russlands im Ersten Weltkrieg* (Helsinki: Suomen historiallinen seura, 1978), 207; Graf, *Eesti rahvusriik*, 163; J Semper, "Wäikerahwad. Rahwaste Nõukogu esimene istumisjärk Kiiewis 24-28 okt," *Eesti Sõjamees*, November 8, 1917; J Semper, "Wäikerahwad. Rahwaste Nõukogu esimene istumisjärk Kiiewis 24-28 okt," *Eesti Sõjamees*, November 11, 1917; J Semper, "Wäikerahwad. Rahwaste Nõukogu esimene istumisjärk Kiiewis 24-28 okt," *Eesti Sõjamees*, November 18, 1917.

[253] Ivan Sablin, "The Democratic Conference and the Pre-Parliament in Russia, 1917: Class, Nationality, and the Building of a Postimperial Community," *Nationalities Papers*, November 22, 2021, 12–16.

[254] George Liber, "Ukrainian Nationalism and the 1918 Law on National Personal Autonomy," *Nationalities Papers*, no. 15/1 (1987): 22–42.

[255] Laserson represented the Jewish Democratic Union. See participants list: Reent and Andrusishin, *Z`izd ponevolenih narodiv*, 70.

4. Conclusion

This chapter has sketched a broad overview of the discussions and experiments of non-territorial autonomy in the Habsburg and Romanov empires for a background for the rest of the dissertation. Analysing these two empires shows the two different paths of the idea of non-territorial autonomy: rejection and endorsement.

While Renner and Bauer wrote elaborate theoretical treatises on the matter, they failed to find broader support for it among their fellow party members. At the same time, although it was not hailed as official policy by the parties in the Habsburg Empire, it became deeply rooted in the political discourse. Not only the members of the Social Democratic Party were well aware of this model, but also intellectuals from the other end of the political spectrum. Furthermore, the practical experiments with national curiae demonstrate that the importance of the idea of non-territorial autonomy in political discourse and practice should not be underestimated.

In the Romanov Empire and Revolutionary Russia, on the contrary, non-territorial autonomy experienced a certain snowball effect and resulted in a "non-territorial moment" in 1917 when all major parties and national movements included it in their agendas in some form, mainly as a complementary tool to national-territorial autonomy to defend diasporic communities. Some of the states that emerged from the Romanov Empire put these ideas into practice: the Estonian Declaration of Independence from February 1918 and the Law on Cultural Self-Government of 1925, the Ukrainian Law on National-Personal Autonomy, and the Jewish autonomy in Lithuania.

Analysing these two empires together raises the question of whether, in the context of ethnic diversity, when it is difficult to create neat ethno-territorial units, non-territorial arrangements emerge as possible solutions to this conundrum. Including other examples—the Ottoman Empire with its premodern system of millets and the interwar ethnically diverse nation-states where this model was proposed or practised—non-territorial autonomy appears to be a widespread response to ethnic and religious diversity. It was a part of political discussions, a broader intellectual toolbox—in "the cloud" to use a metaphor from the the modern IT world. This knowledge was discussed and circulated in various theoretical works, in books, pamhphlets, newspaper articles, but also at political meetings.[256] The discussions in Estonian context were part of such a broader intellectual exchange of this model.

[256] Cf. Christoph Kamissek and Jonas Kreienbaum, "An Imperial Cloud? Conceptualising Interimperial Connections and Transimperial Knowledge," *Journal of Modern European History* 14, no. 2 (May 1, 2016): 164–82.

Chapter 2 The Administrative Reform, the Nationalities Question and the Baltic Provinces in the Late Tsarist Era

1. Introduction

Like many empires, the Russian Empire was an amalgamation of different peoples and territories assembled over a longer period of time. In this complex system, different parts of the empire varied not only in terms of ethnic composition and culture, but also in terms of administrative systems. In most of the cases, imperial rule over these acquired lands relied on collaboration with local noble elites.[257] One such part of the empire was the provinces of Estland and Livland, acquired at the beginning of and the province of Kurland, acquired at the end of the eighteenth century.[258] In this this part of the empire, imperial rule also relied heavily on the local Baltic German noble elites. On the one hand, having support from and a guarantee of their privileges by the emperor helped the Baltic German nobility preserve their power monopoly. On the other hand, St. Petersburg found the Baltic Germans with their extensive administrative experience and their collaboration useful for a stable regional supremacy.[259] As a result, the Baltic Provinces, seen as "Russian Germany" (*russkaia Germaniia*) by contemporary observers,[260] preserved large parts of their specific administrative structures. This meant that provincial administration remained in the hands of Baltic German noble elites until the outbreak of the February Revolution and had culturally and linguistically very strong German influences.

However, since the mid-nineteenth century, with the rise of Estonian and Latvian national movements, this power monopoly was increasingly questioned. Instead, Estonian and Latvian national activists proposed more democratic and inclusive administrative models as opposed to corporatist noble self-government. As the Estonians and Latvians formed an overwhelming majority, the introduction of a more democratic electoral system would have meant the loss of the Baltic Germans' power monopoly. In this reform discourse, the 1905 Revolution was one of the central events which triggered several reform projects. On a broader scale, there were three options on the table: no changes to the provincial administration system, minor changes towards inclusiveness based on some (e.g. property) qualification, and full democratisation with universal

[257] Andreas Kappeler, *Rußland als Vielvölkerreich: Entstehung, Geschichte, Zerfall* (München: Verlag C.H. Beck, 2008), 35, 55, 207; Dominic Lieven, "Russia as an Empire and Periphery," in *The Cambridge History of Russia. Volume II. Imperial Russia 1689-1917*, ed. Dominic C. B. Lieven (Cambridge: Cambridge University Press, 2006), 9–26.
[258] I use the German names Livland and Estland due to the fact that these names were used at the time and also to avoid confusion with the term Estonia since the Governorate of Estland only encompassed the northern part of the lands that later formed the Republic of Estonia.
[259] Karsten Brüggemann, *Licht und Luft des Imperiums: Legitimations- und Repräsentationsstrategien russischer Herrschaft in den Ostseeprovinzen im 19. und frühen 20. Jahrhundert* (Wiesbaden: Harrassowitz, 2018), 444.
[260] Brüggemann, 16.

suffrage. The second option was the one that the nobility advocated; the third, the one that many Estonian and Latvian national activists demanded; the first, what actually happened as the system remained unchanged until spring 1917.

It is important to add that besides the noble self-governments which are the focus of this chapter, there were other vital institutions for administering the governorates, such as the (general-)governors and their offices and these were usually in the hands of Russian imperial administrators appointed from St. Petersburg. This chapter analyses the discussions over noble self-government and Diets since these were among the central topics in public debates.

The aim of this chapter is to analyse these reform projects and ask whether, in these reform debates, the idea of guaranteeing some kind of autonomous agency and representation to the nation as a group emerged. This is a particularly pertinent question since the Baltic German elite consisted only of a very small percentage of the overall population. With full-scale democratisation, there was a possibility not only of losing their power monopoly, but also control over their national-cultural affairs. Analysing these debates shows that the noble elites mainly operated with the idea of property census, proposing models which would have given them a majority. However, there were also projects which entailed some elements of non-territorial autonomy.

At the heart of this chapter is a project to reform provincial administration from 1912. In this project, which has not been analysed in scholarly literature before, a conservative Baltic German nobleman, Erich von Oettingen, proposed to reform the provincial administration system in Livland by introducing national curiae. By analysing this project against the backdrop of the conundrum of the nationalities question, democratisation, and demands for administrative reform in the provinces, the chapter argues that some conservative Baltic German circles operated with some fundamental elements of non-territorial autonomy already before the war. Both Piotr Stolypin's attempt to introduce zemstvo with national curiae in the western provinces and Oettingen's project show the presence of groupist ideas in reform discourse among conservative circles. As such, it mainly functioned as a tool either to preserve one's power monopoly or to strengthen the position of one national group (in the case of Stolypin, this was the Russians). By focusing on these essentially conservative proposals for non-territorial arrangements, the chapter also adds a dimension to existing studies on non-territorial autonomy where conservative-corporatist visions have found considerably less attention.[261] By analysing these reform debates, the chapter also offers a necessary background on the specific Baltic context for other chapters.

[261] For a fresh study on the far-right interpretation, see: Oskar Mulej, "Territorial and Non-Territorial Aspects in the Autonomist Proposals of the Sudeten German Party, 1937–38," *Nationalities Papers* 50, no. 5 (September 2022): 942–62.

2. Stolypin's western zemstvo project

In 1864, after the abolition of serfdom, the Russian imperial government introduced zemstvos in the inner governorates of the empire. These were local-level organs of self-government responsible for education, the postal system, and healthcare, and had a right to raise taxes. One of the aims of introducing the zemstvo was to encompass different layers of the society and include them in the administration. As a result, it somewhat expanded political participation and is therefore often seen as place where Russian democracy emerged and developed.[262] However, following the fashion of the era, elections to zemstvo assemblies were based on property. According to this principle, three curiae were created based on property owned.[263] As a result, it institutionalised the dominance of the nobility, the wealthiest segment of society.[264]

Between 1910 and 1911, amid strengthened Russian nationalism, prime minister Piotr Stolypin attempted to introduce the zemstvo system in the western provinces of the empire. These included the governorates of Vitebsk, Volyhnia, Kyiv, Minsk, Mogilev, Podolia, Grodno, Vilno, and Kovno, although some of the governorates were eventually excluded from the plans.[265] In addition to the plan to introduce the zemstvo model, the project for the western provinces included a system of compulsory national curiae for elections to the zemstvo assemblies. The project allocated voters into Polish and non-Polish curiae, mainly in order to avoid Catholic Poles and Lithuanians siding against the Russians.[266] The complicated electoral system was designed so that it would have guaranteed the predominance of Russians at the expense of other nationalities in the provinces (most importantly Poles and Jews) although Russians formed a majority in none of these provinces. As a result, the project would have made the zemstvo a Russian national unit in order to guarantee the Russian character of the provinces. According to the project, the Jews did not have voting rights at all, although they formed a considerable share of population in these governorates.[267] Stolypin justified the western zemstvo project by arguing that the aim was not to worsen the situation of the Poles but to protect the rights of local Russians.[268]

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[262] Theodore R. Weeks, *Nation and State in Late Imperial Russia: Nationalism and Russification on the Western Frontier, 1863-1914* (DeKalb: Northern Illinois University Press, 2008), 131.
[263] Janet M. Hartley, "Provincial and Local Government," in *The Cambridge History of Russia. Volume II. Imperial Russia 1689-1917*, ed. Dominic C. B. Lieven (Cambridge: Cambridge University Press, 2006), 453, 461–67.
[264] Alexandra S. Korros, *A Reluctant Parliament: Stolypin, Nationalism, and the Politics of the Russian Imperial State Council, 1906-1911* (Lanham-Oxford: Rowman & Littlefield, 2003), 189.
[265] Abraham Ascher, *P. A. Stolypin: The Search for Stability in Late Imperial Russia* (Stanford: Stanford University Press, 2002), 330.
[266] Weeks, *Nation and State*, 148.
[267] Korros, *Reluctant Parliament*, 189–217; Geoffrey A. Hosking, *The Russian Constitutional Experiment: Government and Duma, 1907-1914* (Cambridge: Cambridge University Press, 1973), 116–49.
[268] Weeks, *Nation and State*, 146.

The zemstvo bill set off intense debates in the Duma and the State Council. In March 1911, the State Council rejected the bill and Stolypin responded by invoking emergency powers of Article 87 of the Fundamental Laws to bypass parliamentary procedures. This step, in turn, initiated both chambers to pass interpellations and accused the Prime Minister of abuse of power. Baltic delegates, the Germans, Estonians, and Latvians in both chambers opposed the legislation.[269]

In the debates in the Duma, one of the most outspoken critics of the national curiae was Baron Alexander von Meyendorff, a delegate from the Governorate of Livland representing the liberal Baltic Constitutional Party.[270] He was an advocate of inter-ethnic harmony both within the Baltic region, but also in the state as a whole. In February 1911, together with Estonian and Latvian Duma deputies he co-sponsored Lazar Nisselovich's bill proposing the abolition of the Jewish Pale of Settlement.[271] Regarding Stolypin's zemstvo project, he criticized not only procedural questions, such as the violation of the Fundamental Laws, but also accused the law of showing nationalist tendencies. In his understanding, the Russian Empire had to be a nationally indifferent supra-national body, a family of peoples. Nationalist policies such as the plan to introduce the zemstvo to strengthen the Russian character of the empire, Meyendorff believed, would threaten the very existence of the Russian Empire.[272] This position, and the role of Meyendorff, is important in connection with the project of Erich von Oettingen analysed later on in this chapter. Oettingen drafted his project explicitly as a counter-project to oppose the liberals, in particular the Baltic Constitutional Party.

Stolypin's project was essentially a project to tackle a modern challenge of the empire, the fact that the dominant nation of the empire, the Russians were in many parts numerically weak and even a minority. In this regard, Stolypin's project was from a different strand of thinking compared with the projects drafted by various national minorities who advocated equal rights and national autonomy for themselves as a minority. It was a project that reflected the interests of the dominant group of the empire and was drafted with the aim of guaranteeing its leading role in some parts of the empire, essentially proposing some hierarchical understanding of nationalities. However, it included some of the core elements of the group rights model: some form of

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269 Anders Henriksson, *Vassals and Citizens: The Baltic Germans in Constitutional Russia, 1905-1914* (Marburg: Herder-Institut, 2009), 142–47.

270 Ulrike von Hirschhausen, "Baltischer Liberalismus im frühen 20. Jahrhundert: Ein regionales Konzept zwischen Nationalismus und Demokratie," *Geschichte und Gesellschaft* 29, no. 1, Europäischer Liberalismus (2003): 134.

271 Henriksson, *Vassals and Citizens*, 140, 143.

272 Ulrike von Hirschhausen, *Die Grenzen der Gemeinsamkeit: Deutsche, Letten, Russen und Juden in Riga 1860 - 1914* (Göttingen: Vandenhoeck & Ruprecht, 2006), 207–8; Manfred Hagen, "Zwischen Nationalitäten und Fraktionen - Alexander Baron Meyendorff (1869-1964)," *Zeitschrift für Ostforschung*, no. H. 4 (1978): 601; Henriksson, *Vassals and Citizens*, 140–44.

registering ethnic belonging for the purpose of administration and some form of autonomous agency as a group.

3. Nationalities and the provincial administration in the Baltic Provinces

The territorial administrative structure of the Baltic space had its roots in the division of the territory between different powers after its Christianisation in the thirteenth century and evolved over time according to how the lands were transferred from one power to another. This is why the administrative structure did not correspond to the settlement structure of different ethnic groups—a demand that emerged with the rise of Estonian and Latvian national movements in the second half of the nineteenth century. When Peter I acquired these territories at the beginning of the eighteenth century, the territories which were inhabited by Estonians were divided into two governorates: the Governorate of Estland, which had an overwhelming Estonian majority, and the northern part of the Governorate of Livland. The Governorate of Livland was bi-national, consisting of Estonians and Latvians. Some parts that later became part of independent Estonia, like the city of Narva and its surrounding territory, belonged to the Saint Petersburg Governorate.[273]

The 1897 Census of the Russian Empire, which determined nationality according to spoken language,[274] showed that the Governorate of Estland was ethnically relatively homogenous and the Estonians constituted more then 88 per cent of the overall population. The Governorate of Livland however, was more diverse. The two biggest ethnic groups of Livland, Estonians and Latvians, numbered around half a million taken together, constituting 80 per cent of the overall population. Estonians and Latvians formed relatively clear settlement areas, the former in the northern, the latter in the southern part of the governorate. In both governorates, Russians were among the most important minority groups, as were the Jews in the Governorate of Livland. The Germans were also numerically a small minority, yet in terms of provincial administration, as the following part shows, German noble elites played not only a leading role but entirely controlled

[273] For a broader background see: Pärtel Piirimäe, "The Baltic," in *European Regions and Boundaries: A Conceptual History*, ed. Diana Mishkova and Balázs Trencsényi (New York: Berghahn Books, 2017), 57–62; Catherine Gibson, *Geographies of Nationhood: Cartography, Science, and Society in the Russian Imperial Baltic* (Oxford-New York: Oxford University Press, 2022), 109 ff.

[274] On the complexity of determining national belonging and the problems of imperial demographic statistics, see e.g. Wezel, "Introduction"; and more specifically on the case of Tartu see Veiko Berendsen and Margus Maiste, *Esimene ülevenemaaline rahvaloendus Tartus 28. jaanuaril 1897* (Tartu: Eesti Ajalooarhiiv, 1999), 118–30.

the local Diets.[275]

Up until the February revolution in 1917, the administration of the Baltic provinces relied on early-modern corporatist principles and was essentially dominated by Baltic German nobles. The four noble corporations, the *Ritterschaften*, which exercised power in the provinces, considered themselves the legal representatives of these territories. All three provinces—Estland, Livland, Courland—had their own, the fourth was the knighthood of the island of Ösel/Saaremaa. The legal basis for this claim dates back to 1710, when the representatives the nobility signed capitulation treaties in which they recognised the tsar as their sovereign. In turn, they were guaranteed the preservation of their privileges, social order, and institutions. These principles were later confirmed in the 1721 peace Treaty of Nystad between Russia and Sweden.[276]

The diets were the highest organs of the provincial administration in the Baltic provinces. On the one hand, they dealt with the internal issues of the matriculated nobility, such as managing the registry of noble families (*Adelsmatrikel*). On the other hand, they had extensive rights in administering the life in the countryside: raising taxes from the owners of manors and deciding upon the usage of these funds, electing officials and judges, administering churches and primary schools, managing public health and welfare, maintaining roads in the countryside, dealing with justice and law enforcement. In addition, the diets possessed a right to address the emperor directly and to initiate legislation. However, since it was a corporatist body, participation in the diet was limited, and only the noblemen matriculated in the *Adelsmatrikel* of the respective province owning or renting a manor (*Rittergut*) had full participation and voting rights. All registered noblemen between 21 and 60 years who owned or rented a manor were obliged to participate in the diet.[277] An owner of a manor—for instance, someone with a non-noble background with enough capital to buy one—who was not in the respective *Adelsmatrikel* (*Landsassen*), could also participate but had voting rights only on issues regarding taxation. Although a small proportion of them was represented, on the eve of the collapse of Russian Empire in 1917, the provincial administration remained in the hands of small German aristocratic elite: in 1913 in Livland, 539 of the 716 estates

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[275] Henriksson, *Vassals and Citizens*, 1–2; Pervaia vseobshhaia perepis' naseleniia Rossiiskoi Imperii 1897 g. Raspredelenie naseleniia po rodnomu iazyku, guberniiam i oblastiam, http://www.demoscope.ru/weekly/ssp/rus_lan_97.php?reg=49; http://www.demoscope.ru/weekly/ssp/rus_lan_97.php?reg=80 [29.11.2022].

[276] Gert von Pistohlkors, "Ursprung und Entwicklung ethnischer Minderheiten in der baltischen Region im 19. und beginnenden 20. Jahrhundert," in *Staatliche Einheit und nationale Vielfalt im Baltikum: Festschrift für Prof. Dr. Michael Garleff zum 65. Geburtstag*, ed. Gert von Pistohlkors and Matthias Weber (München: Oldenbourg, 2005), 14–34; Karsten Brüggemann, Mati Laur, and Pärtel Piirimäe, "Einleitung," in *Die baltischen Kapitulationen von 1710: Kontext, Wirkungen, Interpretationen*, ed. Karsten Brüggemann, Mati Laur, and Pärtel Piirimäe (Köln: Böhlau, 2014); Robert Schweitzer, "Vorbild oder Auslaufmodell? Die Bedeutung der Kapitulationen und der Autonomie der Ostsee- provinzen für die Autonomie Finnlands im Russischen Reich," in *Die baltischen Kapitulationen von 1710: Kontext, Wirkungen, Interpretationen*, ed. Karsten Brüggemann, Mati Laur, and Pärtel Piirimäe (Köln: Böhlau, 2014).

[277] Georg Hermann Schlingensiepen, *Der Strukturwandel des baltischen Adels in der Zeit vor dem Ersten Weltkrieg* (Marburg/Lahn: Herder-Institut, 1959), 6–7.

were owned by the matriculated aristocrats and nearly 90 per cent of the owners of the manors were Germans. In Estland, 401 manors were owned by the nobility and 79 by non-nobles.[278]

The organs of provincial administration included the Council of the Diet (Livland: *Landratskollegium*, Estland: *Ritterschaftskommitee*), elected by the diet, which served as the executive organ. Consisting of twelve elected counsellors (*Landrat*), it had wide-range duties, starting from managing infrastructure to judicial issues. Further important bodies were the deliberative assemblies (*Adelskonvent*, *ritterschaftlicher Ausschuss*, *Ritterschaftskommitee*) which mainly deliberated topics before passing them on to the diet.[279] The most important position in the provincial administration's hierarchy was the marshal of the nobility (the name varied: in Livland and Ösel, *Landmarschall*; in Estland, *Ritterschaftshauptmann*; in Kurland, *Landesbevollmächtigter*) whose main task was to represent the interests of the noble corporations in St. Petersburg, possessing the right to appeal to the Ministry of Interior and the Emperor.[280]

Privilege-based administration systems first started to crumble in the cities and towns. The introduction of the Russian Municipal Statutes in the Baltic Provinces in 1877 abolished the mediaeval estates-based administration system and replaced magistracies with city councils. The magistracy of Tallinn, for instance, which was based on the Lübeck law, consisted of wealthy merchants who included new members via co-opting. The new legislation allowed all male citizens over twenty-five years of age who had been living in the city at least for two years and who owned a shop, factory, workshop or property to vote. For the Baltic provinces, an exception was made allowing also the literati to vote. All voters were divided into three curiae based on property and each could determine one third of the seats in the city council. The city administration reform of 1892 abolished the curial system but set a high property qualification, thereby disenfranchising the less wealthy who had been allowed to vote in the previous system.[281]

While the provincial administration remained in the hand of Germans, the municipal administration reforms made it possible for the literati and the less wealthy urban middle-classes to participate in the municipal administration. At the beginning of the twentieth century this brought about the gradual transfer of power to Estonian and Latvian urban middle-classes in citites and towns.[282] This was possible due to the increased number of Estonian and Latvian urban residents, their increasing wealth, and successful political mobilization. The first instance of the

[278] Heide W. Whelan, *Adapting to Modernity: Family, Caste and Capitalism among the Baltic German Nobility* (Wien-Köln-Weimar: Böhlau, 1999), 287–88; cf. Hartley, "Provincial and Local Government," 460.
[279] Whelan, *Adapting to Modernity*, 27; Schlingensiepen, *Der Strukturwandel des baltischen Adels*, 12–15.
[280] Whelan, *Adapting to Modernity*, 27.
[281] Tiit Rosenberg, "1877. aasta linnaomavalitsuse reform ja Tallinna baltisaksa linnapead 1878-1918," in *Õpetatud Eesti Seltsi aastaraamat 2016* (Tartu, 2017), 48–50, 66–67.
[282] Bradley D. Woodworth, "Patterns of Civil Society in a Modernizing Multiethnic City: A German Town in the Russian Empire Becomes Estonian," *Ab Imperio* 2006, no. 2 (2006): 150–51; Henriksson, *Vassals and Citizens*, 10–11.

power shift took place in Wolmar/Valmiera, where Latvians took over the municipal government in 1897. Several Latvian towns soon followed.[283] In the town of Valga/Valka/Walk on the border of Estonian and Latvian settlement areas, an Estonian-Latvian coalition took power in 1902. Tallinn followed in 1904 when the elections to the city council resulted in an overwhelming majority for the Estonian-Russian bloc[284] and the Russian Erast Hiatsintov became the first non-German mayor of the city.

Provincial politics, however, remained in the hands of Baltic German nobility up until the February revolution. In this "microcolonial situation,"[285] where Estonians and Latvians were effectively disenfranchised in provincial affairs, and with the rise of the national and political agendas of Estonians and Latvians, reforming provincial administration became an increasingly debated topic. Estonian and Latvian national activists proposed projects to reform the existing diet or reorganize the system based on new models—the overarching demand being universal suffrage and emancipation in provincial affairs. For instance, Konstantin Päts (1874-1956) in his 1907 *Maa küsimus* (*The Land Question*) proposed self-government elected through universal suffrage. According to his project, nationalities would have been represented on similar terms as the Swedes and Finns in the Finnish Senate.[286]

The 1905 Revolution launched hefty debates over the future of the provincial administration system.[287] The demands of Estonian and Latvian national activists went up to full democratisation and universal suffrage in provincial self-government. In reform debates, Baltic German noble elites played with the idea of making the diets more inclusive, yet preserving their dominance with a curial system. Older, apologetic tradition in Baltic German historical scholarship argued that in earlier decades and amid the 1905 Revolution, the Baltic Germans took the role of defending the entire population against the centralising Russian state and prepared the ground for the gradual inclusion of Estonians and Latvians in self-government.[288] Later studies, however, refuted such interpretations and stressed that, amid the 1905 Revolution and in discussions over reforming the provincial administration system, the noble elites tried to defend their own political and economic interests first and foremost, and preserved their privileges by largely ignoring the

[283] Michael H. Haltzel, "The Baltic Germans," in *Russification in the Baltic Provinces and Finland, 1855-1914*, ed. Edward C. Thaden (Princeton: Princeton University Press, 1981), 158.
[284] Woodworth, "Patterns of Civil Society," 152.
[285] Brüggemann, *Licht und Luft des Imperiums*, 444.
[286] Toomas Karjahärm, *Konstantin Päts: poliitiline biograafia. I osa: Vabameelne opositsionäär (1874-1916)* (Tartu: Rahvusarhiiv, 2018), 287.
[287] Toomas Karjahärm, "The Problem of Reorganization of Provincial Self-Government in Estonia at the Beginning of the 20th Century," in *Bevölkerungsverschiebungen und sozialer Wandel in den baltischen Provinzen Russlands 1850-1914*, ed. Gert von Pistohlkors (Lüneburg: Institut Nordostdeutsches Kulturwerk, 1995), 252–53.
[288] Alexander von Tobien, *Die Livländische Ritterschaft in ihrem Verhältnis zum Zarismus und russischen Nationalismus. Zweiter Band* (Berlin: Verlag von Walter de Gruyter & Co., 1930), 178–201.

interests of the wider populace.[289]

More specifically, Baltic German noblemen proposed including wider circles in the diet but via a property-based curial system. In the summer of 1905, the noble corporations sent their reform proposal to the minister of interior. Their project proposed keeping the existing diets with slightly limited powers but introducing new district and governorate diets (*Bezirkstag*, *Provinzialtag*) with powers in communal affairs and taxation. The electoral system to the new self-government body was to be based on three curiae formed on the basis of property. These would be formed so that the Baltic German nobility would be in a majority.[290] In the following years, there were several follow-up projects, drafted by the imperial governorate authorities, duma delegates and the noblemen. In all cases, the *Ritterschaften* advocated a curial system which would guarantee their majority.[291] Furthermore, drafting their own projects, Estonian and German leaders did not manage to reach a compromise on which both parties could agree. Only in 1915, as will be analysed later in the chapter, did they finally reach a compromise. In these projects, the possibility of national curiae did not explicitly emerge. In the political campaign of Estonian national activists for whom the main goal was democratisation and equal voting rights, it made little sense since Estonians were in a strong majority. It also made little sense in the defensive power-preserving political agenda of Baltic German nobles who were able to preserve their dominance with property curiae and censuses.

Although advocating different versions of curiae was the official policy of the Baltic German noble elites, there were also alternative visions based on different principles. One such idea was proportional representation in the elected provincial diet. For instance, in 1906, Eduard von Stackelberg, one of the leaders of the knighthood of the Governorate of Estland, wrote a study on the possibility of introducing a proportional voting system in the Baltic provinces. The questions he proposed were essentially the fears of the noble elites: losing power and potential outvoting by the Estonian and Latvian majorities. "How can the right of smaller party groups to be represented in the election of delegates be guaranteed? … How can it be avoided that a strong, united party completely pushes aside the representatives of the minority?" Stackelberg enquired.[292] Stackelberg criticised the modern understanding of democracy for relying too strongly on the

[289] Gert von Pistohlkors, *Ritterschaftliche Reformpolitik zwischen Russifizierung und Revolution: historische Studien zum Problem der politischen Selbsteinschätzung der deutschen Oberschicht in den Ostseeprovinzen Russlands im Krisenjahr 1905* (Göttingen: Musterschmidt, 1978), 177–78, 245–55.

[290] Toomas Karjahärm and Sirje Kivimäe, "Maaomavalitsusküsimus Eesti ühiskondlikus liikumises kodanlik-demokraatlike revolutsioonide ajajärgul," *Eesti NSV Teaduste Akadeemia Toimetised. Ühiskonnateadused* 29, no. 4 (1980): 325–26; Karjahärm, "Problem of Reorganization," 254–55.

[291] Karjahärm and Kivimäe, "Maaomavalitsusküsimus," 329–30; Henriksson, *Vassals and Citizens*, 103–10.

[292] Eduard von Stackelberg, *Die Methoden des proportionalen Wahlsystems und deren Anwendbarkeit bei landschaftlichen Wahlen in den baltischen Provinzen* (Reval, 1906), 3.

simple numerical majority principle. In the case of a simple majoritarian system, a seat in an assembly would be given to the candidate who managed to win 501 votes out of the 1000 and the rest, 499 voters, would be without representation.[293]

Analysing several cases of proportional voting in European states, and relying on the works of the Swiss politician Emil Klöti, Stackelberg suggested applying the proportional voting principle in the elections to the diet and in municipal councils. Regarding which groups should get a proportional representation, Stackelberg did not give a detailed list. The idea of guaranteeing proportional representation was derived from a certain organicist-corporatist understanding of the state and society. For instance, he wrote that a population of the state or a city was not merely mechanical agglomeration of numbers but "a living, self-organising cell-state [*Zellenstaat*]," a society consisting of different organic groups. This is why he discussed the need to guarantee proportional representation to different social groups and professions. Furthermore, he also raised the possibility of creating a proportional representation of nationalities when he stressed that it would be unnatural when a delegate of one nationality would represent only one specific territorial electoral district and argued that it would be more natural if delegates represented the nation as a whole, as one *Wahlkörper*.[294]

Whilst Stackelberg's study did find some broader coverage,[295] a full-fledged proportional representation system was not included in the official reform projects of the nobility. It was rather the property-based curiae which defined their policies. However, Estonian national activists also considered proportional national representation when discussing administrative reform. In his 1907 project, Konstantin Päts argued that, in the new provincial self-government, different nationalities but also different social strata should be guaranteed proportional representation.[296]

The discussions over reforming the provincial administration were also the context in which the Estonian-speaking press introduced the ideas of Austro-Marxist proposals to solve the nationalities question. The nationalities conflict in Austria had already been widely covered in the media. It served as a cautionary tale of how disruptive it can be and authors often juxtaposed the position of Germans in Austria with Russians in the Romanov Empire, or the Baltic Germans in the Baltic Provinces. Initially, the Estonian newspapers introduced the ideas of Renner without explicit proposals to apply them in the Baltic context. However, arguably, for many readers, the description of the conflict between the Czechs and the Germans resembled the Estonian-German relationship.

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[293] Stackelberg, 11–12, 56–57.
[294] Stackelberg, 7–8, 12, 45–58.
[295] "Methoden des proportionalen Wahlsystems," *Revalsche Zeitung*, January 13, 1906.
[296] Konstantin Päts, *Eesti riik I* (Tartu: Ilmamaa, 1999), 435; Karjahärm and Kivimäe, "Maaomavalitsusküsimus," 329.

In June 1902, relying on an article published in *Russkie Vedomosti*, the liberal newspaper *Postimees* published a short summary of Karl Renner's book *Der Kampf der Oesterreichischen Nationen um den Staat* stressing that his solution to the nationalities conflict would be not to create national-territorial autonomies, but to grant nationalities autonomy "without much emphasis on land (territory)".[297] During the first half of 1902, the Estonian journalist and historian Hindrik Prants published a lengthy article series on the nationalities question in Austria in a women's magazine *Linda*. He concluded the article series in July with a short overview of the central tenets of the new book by "a sharp-minded writer R. Springer".[298] Having described the model of creating national autonomies which would not be based on the territorial principle, he concluded that "the eyes of the entire educated world, in particular, those of small nationalities" were looking towards Austria to see if it manages to come up with a blueprint for a peaceful coexistence of nationalities in one state which could serve as an example for them. These two articles are possibly the first ones that introduced Renner's autonomy model to Estonian readership.

Postimees further developed the ideas of Renner in the September of 1908 when it discussed the possibility of applying his ideas in the Baltic context regarding the relationship between Estonians and Germans.[299] More specifically, the article highlighted two solutions from Renner's book. In the case of a district (*maakond*) with two numerically strong nationalities (bringing the example of Budweis/České Budějovice), the administration of the respective district would only deal with general affairs. Additionally, the respective nationalities' district councils (*maakonna-nõukogud*) would deal with all national-cultural matters (different levels of schooling, cultural affairs and social welfare) and collect taxes for these tasks. In the case of one numerically strong nationality within the district (bringing the example of Erlau/Eger) where other groups would be too weak to establish full national self-government within the district, the national self-government body of the dominant nationality would also take over administering all the general affairs of the respective district. Additionally, the small minority would have the right to establish a self-government body (Renner used the term "concurrencies", Ger. *Konkurrenzen* Est. *konkurrentsid*) with reduced powers. Such bodies would have two tasks: offer legal advice and represent members of the nationality in the local district administration and maintain elementary schools. The article did not explicitly propose which of the two would suit the Baltic context. Numerically, indeed, the Germans were only a tiny group hinting at the possibility of concurrencies. At the same time, as the article argued, the difference between a concurrency of a minority and a bi-national district was not tied to some fixed numerical threshold. A district was automatically bi-national if groups

[297] "Politika ringwaatus ja wäljamaa sõnumid. Austriast," *Postimees*, June 27, 1902.
[298] [H] [Prants], "Rahwaste-olud Austria-Ungaris (lõpp)," *Linda: eesti perekonna-ajakiri*, July 23, 1902, 469–70.
[299] "Rahwuste wahekorra arendamise kohta," *Postimees*, September 23 & 24, 1908.

were strong enough to provide schooling beyond the elementary school level and take care of social welfare. Economically solid and well-organised Baltic Germans would have certainly had the means to cater for these.

These articles demonstrate how closely the Estonian media followed the situation in Austria and how intellectuals were looking for possible solutions to the nexus of nationality and administration to be applied in the Baltic context. The fact that some intellectuals proposed a relatively specific aspect of Renner's book for the Baltic context demonstrated how thoroughly some intellectuals were acquainted with Renner's works.

The zemstvo question had been a topic among Estonian national activists since the 1880s, and due to its politically more inclusive nature and the possibility for political inclusion compared with the existing system, it initially had a positive image. For instance, Carl Robert Jakobson, one of the most important Estonian national activists during the national awakening period supported the zemstvo system and found that it should grant equal representation of Estonians and Germans. He did not explicitly write about national curiae, but historian Toomas Karjahärm has stressed that theoretically this was achievable only by introducing national curiae. The demand to replace estate-based diets with a more equal zemstvo system was also included in the 1881 petition of the Estonian national organizations to the government and presented during their audience at the emperor.[300] However, over time, the zemstvo system lost its appeal and Estonian national activists increasingly started to look toward Western models. For instance, in 1914, when the fiftieth anniversary of the zemstvo was celebrated, Konstantin Päts did not consider it a model to follow.[301]

The *Ritterschaften* opposed the introduction of the zemstvo system in the Baltic provinces. They believed it would have violated their estate honour and historical privileges, and would have abolished their power monopoly. Also, the competencies of the zemstvo would have been narrower than that of the diets of the knighthoods. Instead, as analysed above, the *Ritterschaften* focused on reforming the existing provincial administration and expanding representation. The Russian government's arguments against introducing zemstvo in large parts of the empire were economical, but the main reason was the underlying concern that in the territories where there were only a few Russians, the self-government would transfer power into the hands of indigenous peoples. The peasant of the borderlands was seen as someone who would eventually assimilate into one or another higher culture. On the other hand, the government also wanted to reciprocate the loyalty of the nobility by preserving their dominant position. By not expanding self-

300 Ea Jansen, "Eesti seltside saadikute audients Vene keisri juures 1881. aastal ja nende märgukiri kui katse osaleda 'suures poliitikas,'" *Acta Historica Tallinnensia*, no. 1 (1997): 99.

301 Toomas Karjahärm, "Moderniseerimise strateegiad hilises Vene impeeriumis: semstvo ja Balti maaomavalitsus 1880-1917," in *Vene impeerium ja Baltikum: venestus, rahvuslus ja moderniseerimine 19. sajandi teisel poolel ja 20. sajandi alguses. II*, ed. Tõnu Tannberg and Bradley Woodworth, Eesti Ajalooarhiivi toimetised, 18 (25), 2010, 324–34.

government, the imperial government wanted to avoid creating a hotbed for the emergence of popular national politicians.[302]

Although the western zemstvo project did not include the Baltic Provinces, there are documents which show that Stolypin did consider introducing them there as well.[303] When Stolypin addressed the Duma and defended his project, he argued that the Germans of the Baltic provinces should be in favour of national curiae because these may be of use in defending themselves against the dominance of Estonians and Latvians.[304] Baron von Dellingshausen, *Ritterschaftshauptmann* of the Estonian *Ritterschaft* and a member of the State Council, however, later recalled that Stolypin had confessed to him that the plan to introduce the principle in the Baltic provinces was abandoned due to the opposition of the emperor. In Dellinghausen's exaggerated explanation, Nicholas II found that the project conflicted with the principles of the 1710 capitulation acts which guaranteed the Baltic German nobility their privileges.[305]

4. Erich von Oettingen's *"deutsch-konservativ"* Project

A project written in late 1912 by a nobleman and provincial politician Erich von Oettingen entitled *As A Member oft he Knighthood of Livland, How Should One Position In the Current Political Situation?* (*Wie soll man sich als Glied der Livländischen Ritterschaft zu der gegenwärtigen politischen Lage stellen*?)[306] deserves a closer analysis. It proposed national curiae for the Governorate of Livland from a conservative perspective and justified it very similar to many other advocates of national autonomy. Furthermore, the project essentially proposed some elements of non-territorial autonomy such as taxation rights and the right of nationalities to use these funds, as well as the ability to decide over their own national-cultural affairs. It demonstrates that some circles of the conservative political elite, considering power-sharing and yet trying to avoid a full majority principle, considered non-territorial arrangements.

Oettingen's project was a follow-up to the debates over introducing the zemstvo system in the Baltic provinces and in particular Piotr Stolypin's plans to introduce them together with

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302 Karjahärm, 337–43.
303 Toomas Karjahärm, *Vene impeerium ja rahvuslus: moderniseerimise strateegiad* (Tallinn: Argo, 2012), 266.
304 "Mida sakslased soowiwad," *Tallinna Teataja*, June 6, 1911; Karjahärm, *Vene impeerium ja rahvuslus*, 266.
305 Eduard von Dellingshausen, *Im Dienste der Heimat! Erinnerungen* (Stuttgart: Ausland und Heimat Verl.-Aktienges, 1930), 167; 169–71; Karjahärm, "Moderniseerimise strateegiad," 348.
306 E. v. Oettingen-Jensel, Wie soll man sich als Glied der Livländischen Ritterschaft zu der gegenwärtigen politischen Lage stellen?, 1912, DSHI 190 33, 11c, pp. 1-25. The project is currently incorrectly among the correspondence of his father Eduard von Oettingen. However, initially it belonged to the appendices (Beilage; DSHI 190, 33, 11, 2) of his brother Arved von Oettingen's memoirs (DSHI 190 33, 11, 1). I am extremely grateful to archivist Natalya Dutka of the Herder Institute who drew my attention to this valuable source.

national curiae in the Western provinces of Russia. It was also a counter-project to liberal Baltic German circles and the Baltic Constitutional Party. This roughly twenty-page treatise was not a fully developed or detailed project, but rather a set of broader guidelines (*Richtschnur*) for the future organisation of the diet with national curiae to gain support from his fellow noblemen of the Livonian Knighthood for his vision. The plan was to present it at the diet session in 1912 and later draft a more concrete reform plan.

A son of one of the leaders of the liberal faction of the Livonian Diet, Eduard von Oettingen, Erich (1862–1928) studied law at the University of Dorpat/Tartu. After his studies, as a typical Baltic German nobleman, he focused on managing the Kuremaa manor acquired from his father, and on provincial administration, being a district delegate (*Kreisdeputierter*) and a provincial councillor (*Landrat*)—an influential position in the provincial administration. His public activities also included being the president of the influential Livonian Charitable and Economic Society (*Livländische Gemeinnützige und Ökonomische Sozietät*).[307]

Erich von Oettingen was part of the conservative-nationalist circles who grew increasingly disillusioned with the tsar after the 1905 Revolution. Instead, they started looking towards the German Reich and established contacts with organisations there. One of these organizations was the Pan-German League (*Alldeutscher Verband*) which aimed to encourage German national mentality and promoted national ideas among German populations across Europe.[308] Leaders of this and other similar organizations dreamed about a great Pan-German state incorporating the Baltic provinces. Erich von Oettingen made frequent trips to Germany for health reasons and was on friendly terms with Heinrich Class, the President of t he Pan-German League.[309] After the Bolshevik Revolution, Erich von Oettingen started lobbying for the annexation of the Baltic provinces by Germany, dreaming of an order where the German elite would preserve their dominant position, strengthened by German peasant colonists.[310] In 1918, he moved to Berlin, where he died in 1928.[311]

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307 Tobien, *Die Livländische Ritterschaft. Bd II*, 67; Wilhelm Lenz, ed., *Deutschbaltisches biographisches Lexikon, 1710-1960* (Wedemark: Hirschheydt, 1998), 558.

308 Henriksson, *Vassals and Citizens*, 170.

309 Henriksson, 168–74, 186–167.

310 Henriksson, 187; Arved Freiherr von Taube, "Die baltisch-deutsche Führungsschicht und die Loslösung Livlands und Estlands von Russland 1916-1918," in *Von den Baltischen Provinzen zu den Baltischen Staaten: Beiträge zur Entstehungsgeschichte der Republiken Estland und Lettland 1917-1918*, ed. Jürgen von Hehn and Baltische Historische Kommission (Marburg/Lahn: Herder-Institut, 1971), 97–216; Arved Freiherr von Taube, "Von Brest-Litovsk bis Libau. Die baltisch-deutsche Führungsschicht und die Mächte in den Jahren 1918/1919," in *Von den Baltischen Provinzen zu den Baltischen Staaten: Beiträge zur Entstehungsgeschichte der Republiken Estland und Lettland 1919-1920*, ed. Jürgen von Hehn (Marburg/Lahn: Herder-Institut, 1977), 70–236. See also his diary covering these years: Erich v. Oettingen: Tagebuch eines Livländers, 1917–1920, DSHI 190 Livland 33, 11d.

311 Henriksson, *Vassals and Citizens*, 187; Taube, "Deie baltisch-deutsche Führungsschicht"; Taube, "Von Brest-Litovsk."

According to Oettingen's project from 1912, the Russian Empire had to preserve its monarchical nature and the dominance of the nobility. The central power had to be strong, conservative, and autocratic: "According to our basic views, we must advocate a far-reaching imperial pregorative, for a strong state power, for an organic development of the Russian people on a conservative basis."[312] In order to preserve the state's conservative nature, Oettingen endorsed collaboration with other conservative circles in the empire. At the same time, Oettingen believed that the imperial centre had to respect the privileges and cultural status of Germans. Rejecting Russification policies, he argued that Baltic Germans should convince Russian conservative-nationalist circles and the government that the Baltic Germans were not ready to make any compromises regarding German culture and that such opportunistic politics would worsen the relationship. As he put it: "The only hope for an undisturbed national existence [of Baltic Germans] can only lie in instilling in the Russians respect and the conviction that any attack on our cultural assets will be futile and only likely to alienate them from valuable collaborators in the empire."[313]

In Oettingen's thinking, the imperial centre also had to preserve the nature of the internal administration system of the Baltic Provinces. This relied very much on the pre-modern idea that noble elites—the Baltic German nobility—negotiate their respective administrative-political matters with the emperor directly. This is why he was opposed to national autonomy projects or the federalisation that the Baltic Constitutional Party proposed. A Baltic autonomy would have, in Oettingen's opinion, meant essentially the autonomy of the numerically overwhelming Estonians and Latvians. In introducing democratic principles, this could have easily meant Estonians and Latvians dominating over the numerically minute Baltic Germans. Finland—a model that Estonian and Latvian national activists brought as an example—was for Oettingen a cautionary tale.[314]

Oettingen's vision for the Baltic Provinces relied on the idea of preserving the dominance of German culture. This, the avoidance of the German-national principle (*deutschnationale Prinzip)* was something for which he criticised the Baltic Constitutional Party.[315] Just as the Baltic German elite had historically been, Oettingen was also a strong opponent of Russification policies. From this viewpoint, he stressed points that the conservative Baltic German circles had espoused for centuries: that the German *Ritterschaften, Literatentum*, and the city dwellers had, for seven hundred years, fulfilled their "most sacred duty"—the preservation of German culture in the provinces, and its protection in the provinces against external threats.[316] Quoting Carl Schirren's famous response

[312] Oettingen, Wie soll man sich als Glied, DSHI 190 33, 11c, p. 17.
[313] Oettingen, Wie soll man sich als Glied, DSHI 190 33, 11c, p. 18.
[314] Oettingen, Wie soll man sich als Glied, DSHI 190 33, 11c, p. 18.
[315] Oettingen, Wie soll man sich als Glied, DSHI 190 33, 11c, p. 11.
[316] Oettingen, Wie soll man sich als Glied, DSHI 190 33, 11c, pp. 5-6.

to Juri Samarin, which had become a programmatic dictum for conservative Baltic German elites, Oettingen declared: "*Feststehen wird unsere Aktion, Ausharren die Summe unserer Politik sein* [Standing firmly will be our action; perseverance, the sum of our politics]."[317] The task of the knighthoods was, Oettingen wrote, was "to maintain [German] cultural dominance in the provinces."[318]

Preserving the dominant position of the German culture, Oettingen believed, relied on the existing societal and economical system.[319] Any kind of major change, in particular any democratisation which would include Estonians and Latvians in provincial administration, would have severely undermined the existing status quo. Concerning provincial affairs, Estonian and Latvian national activists had started to advocate broadening the administration of the provinces, their demands reaching up to full equal and universal suffrage in the elections to the local diets. The knighthoods, however, advocated a limited and a property census-based model. In particular, the shocking experience of the 1905 Revolution—with its riots in the cities, the looting and burning down of hundreds of manor houses by Estonian, Latvian, and Russian workers and peasants in the countryside—made the elite cautious about broadening the diet. Enfranchising the wider masses by introducing universal suffrage, Oettingen argued, would have brought unexpected results and an end to the existing political and societal order. The reason being, Oettingen and many other noblemen believed, was that the masses were prone to radical socialist ideas and incapable of political governance.[320]

Oettingen drew a gloomy picture of what broadening political participation would have meant for the Baltic German elites. For instance, abolishing the privileges of the nobility—such as the right to produce alcohol and run an inn (*Schänkerei*) in the countryside, which was an important source of income for landlords—would have weakened the nobility's economic position. Abolishing the privilege of patronage in filling such positions as school teachers, pastors, officials, judges, which were traditionally given to the German *Bildungsbürger*, would have greatly limited the career outlooks of local German literati and hindered their local cultural and intellectual life. In a democratic system, Estonians and Latvians would fill the positions to advance their national goals at the price of Germans.[321]

Another closely connected question Oettingen analysed was to introduce new taxes and to use the collected tax money. He wrote that amid the national and social conflict, not only would

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[317] Oettingen, Wie soll man sich als Glied, DSHI 190 33, 11c, p. 7.
[318] Oettingen, Wie soll man sich als Glied, DSHI 190 33, 11c, pp. 18-19.
[319] Oettingen, Wie soll man sich als Glied, DSHI 190 33, 11c, pp. 12-13.
[320] Pistohlkors, *Ritterschaftliche Reformpolitik*; Ernst Benz, *Die Revolution von 1905 in den Ostseeprovinzen Russlands: Ursachen und Verlauf der lettischen und estnischen Arbeiter- und Bauernbewegung im Rahmen der ersten russischen Revolution* (Mainz, 1990); Toomas Karjahärm, *1905. aasta Eestis: massiliikumine ja vägivald maal* (Tallinn: Argo, 2013); Toomas Karjahärm, *1905. aasta Eestis: sotsialistid ja terroristid* (Tallinn: Argo, 2015).
[321] Oettingen, Wie soll man sich als Glied, DSHI 190 33, 11c, pp. 3-4.

the relatively poor Estonian and Latvian majority be able to introduce new taxes and—based on nationalistic motivations—increase taxes for the relatively wealthy noblemen, nationally hostile Estonians and Latvians would also get mechanisms to have an overview of and a control over the income of Germans. The extra tax money collected from the wealthy Germans, Oettingen feared, would be used to promote Estonian and Latvian cultural goals. As a result, in cultural and educational affairs, it could lead to a situation where "the German manor owners and the other taxed Germans are called upon to pay for Latvian and Estonian national undertakings, but to deny them permission for German-national purposes."[322]

Oettingen described introducing national curiae as a possible way out, making some concessions to the numerically dominant Estonians and Latvians yet avoiding the negative implications. A curial system based on the property census had been the main principle in the reform projects of the provincial diet drafted by the knighthoods since the 1905 Revolution.[323] On the one hand, these projects attempted to introduce some concessions and turn the system into a more inclusive one. On the other hand, the authors believed it would help to prevent unpredictable radical changes that mass voting could theoretically bring. The reform projects drafted by the *Ritterschaften* after the 1905 Revolution proposed a system with three curiae based on the property taxes and the value of property owned. Oettingen was also in favour of these principles. In particular, he supported the system drafted by Eduard von Dellingshausen who suggested dividing the second curia into two in order to grant 2/3 of the votes for first two curiae to maintain the predominance of the German bourgeoisie and big landowners.[324]

What Oettingen put forward in his 1912 project was to complement property curiae with national curiae. This was something that Stolypin had raised for western provinces, but in the Baltic provincial reform discourse this issue was not previously raised. Oettingen declared that the solution was:

> Unification of the national groups within the province into curiae with the right of self-taxation in the field of national-cultural tasks, in order to prevent the tax power of one nationality from being used against its will for the benefit of another nationality, thereby creating cause for permanent discord. …
> Therefore: [the aim is the] formation of national interest groups [*Interessenverbände*] for the area of education, if this cannot be completely excluded from the area of competence of the province.[325]

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[322] Oettingen, Wie soll man sich als Glied, DSHI 190 33, 11c, pp. 3-4.
[323] Karjahärm and Kivimäe, "Maaomavalitsusküsimus"; Pistohlkors, *Ritterschaftliche Reformpolitik*.
[324] The first curia was to consist of land owners owning property valued at over 15,000 roubles; the second, to consist of owners of property valued at over 750 roubles and industries; the third, to consist of all other landowners below the threshold of the other two curiae. Karjahärm and Kivimäe, "Maaomavalitsusküsimus," 330–31; Oettingen, Wie soll man sich als Glied, DSHI 190 33, 11c, p. 23.
[325] Oettingen, Wie soll man sich als Glied, DSHI 190 33, 11c, pp. 23-24.

The very aim of these curiae would have been to protect Germans "against oppression" and "to help the minority [achieve] its rights."[326] In short, it was a system of national curiae where nationalities have taxation rights over the members of their respective curiae and a certain right to independently decide over the national-cultural affairs of the respective nationality and the usage of these taxation funds.

Although it was not a comprehensive project, it included some of the main elements of non-territorial autonomy. It determined the subjects to whom it applied—the nation. In essence, it would have constituted nations as autonomous groups with rights in certain affairs. It proposed the possibility of taxation and of using these funds. It also clearly stated its competences, namely national-cultural affairs and in particular schooling. Finally, since it should have been applied in the multi-ethnic Governorate of Livland, which Oettingen foresaw remaining as a separate unit and not to be sub-divided into national-territorial units, it was in essence a rudimentary project of non-territorial arrangement.

Since it was only a general guideline rather than a detailed project, many questions remained: Which nationalities would receive a separate curia (only Germans, Latvians, and Estonians? Or also Jews, Swedes, and Russians)? How would membership in these curiae be determined? How would the voting procedures and the administration of national cultural affairs work?

Although there is no information about how exactly Oettingen devised his vision, and if he relied on any other models, the plan was a part of a broader trend in East Central Europe during an era when curiae were the model with which political thinkers negotiated or experimented in order to address demands for democratisation or deal with ethnic tensions. As the first chapter demonstrated, in the 1860s the Austrian Adolph Fischhof advocated national curiae for nationally mixed provinces.[327] A couple of years before the Oettingen project, both Moravia and Bukovina had introduced national curiae, although without taxation rights. Regarding the taxation right that Oettingen proposed for the curiae, his project had some resemblance to the compromise project for the town of Budějovice/Budweis in Bohemia from 1914, agreed on by German and Czech residents, but which was never implemented.[328] From a closer context, as shown above, the curial model proposed by Stolypin was the one with which Oettingen's project was linked.

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[326] Oettingen, Wie soll man sich als Glied, DSHI 190 33, 11c, p. 15.

[327] For a book review published in Tallinn see: "Oesterreich," *Revalsche Zeitung*, December 2, 1869, A copy of the third edition of Fischhof's book is kept in the Baltica department of the Academic Library of the University of Tallinn. It originally belonged to the library of the Estländische Literärische Gesellschaft, one of the most important learned society with the most extensive scholarly library in the province of Estland.

[328] Jeremy King, *Budweisers into Czechs and Germans: A Local History of Bohemian Politics, 1848-1948* (Princeton: Princeton University Press, 2005), 137–52; Kuzmany, "Habsburg Austria," 58–59.

In the Baltic region, the broader context was the rise of liberal German politics. Oettingen's project was written as a counter project to more liberal Baltic German circles, in particular the Baltic Constitutional Party. The party was founded in Riga after the 1905 Revolution and had branches in the Governorates of Estland and Courland. Amid the increasingly nationalising political climate, it attempted to offer a liberal alternative. It opposed nationalistic principles, yet did not fully renounce the national principle and strived toward supra-national regional liberalism and national tolerance. Some of the main ideas the party incorporated in its programme were legal equality of nationalities, cultural independence, and mother-tongue schooling.[329] In 1905, one of the party's founders, Paul Schiemann, did not support mass voting rights but a limited one with educational and property qualifications. The party was somewhat isolated from many other Russian parties in its endorsement of this principle. Russian parties had, by that point, included universal suffrage in their programmes. As the universal suffrage had become one of the central demands for Estonian and Latvian parties, it hindered possible cooperation.[330] The party comprised mainly German urban elites who supported constitutional monarchy and a federal system where the parts of the federation would possess wide autonomy.[331] The party opposed all kinds of demands for the expropriation of large land property, put forward by Estonian and Latvian left-wing parties, to attract the votes of noblemen. They adhered to a supra-national ideology which was not welcomed by the conservative noble circles who were reluctant to give up the special role of Germans and German culture.[332] The party did not manage to win significant support neither from the nobility, nor from Estonians and Latvians, who saw it as a party of reactionary Germans.[333] It was this party which Oettingen opposed. In his project, he dedicated several pages attacking liberalism in general and the party in particular, equalising liberalism with democracy and their policies with opportunism.[334] Oettingen's project was thus not only conservative in its content, but it was also how he described it.

Oettingen did not succeed in gaining broader support for this project, mainly due to the conflict between the liberal and more conservative circles in the Knighthood of Livland. The 1912 December session of the Diet of Livland, where Oettingen planned to present it, ultimately turned into a showdown between the Pan-German group and the ones unconditionally loyal to the tsar. The sitting land marshal Adolf Pilar von Pilchau from the latter party called for a vote for confidence in his leadership. One hundred and fifty-four voted for the loyalists, sixty for the Pan-

[329] Hirschhausen, "Baltischer Liberalismus"; Hirschhausen, *Die Grenzen der Gemeinsamkeit*, 195–209.
[330] Hirschhausen, *Die Grenzen der Gemeinsamkeit*, 116, 196–99.
[331] Hirschhausen, 196.
[332] Brüggemann and Wezel, "Nationally Indifferent," 50.
[333] John Hiden, *Defender of Minorities: Paul Schiemann, 1876-1944* (London: C. Hurst & Co., 2004), 12.
[334] Oettingen, Wie soll man sich als Glied, DSHI 190 33, 11c, pp. 8-12.

Germanists. Nationalists, including Erich and his brother Arved von Oettingen, resigned from the executive committee (*Adelskonvent*). One of the new *Landrat* elected by the Diet to replace the Pan-Germanists was Alexander von Meyendorff of the Baltic Constitutional Party.[335]

5. Renewed attempts at Estonian-German compromise in 1915

Oettingen's proposal was only one among several attempts to reform the provincial administration. Until 1917, the system remained unchanged, but reform debates continued. In particular, at the end of 1914 and in the year of 1915, there were hefty debates in the press about a possible reform of provincial administration.[336]

In these debates, Konstantin Päts, one of the leading Estonian national activists, and Berend von Wetter-Rosenthal, the secretary of the Knighthood of Estland, emerged as the leading figures in the negotiations and exchanged several opinion pieces on the pages of the newspapers.[337] Ultimately, in these discussions in the Governorate of Estland, Estonian and German politicians reached a compromise in reforming the provincial administration. The reform project, drafted by Päts and Wetter-Rosenthal, proposed creating a new elected body, the General Provincial Assembly (*Üleüldine Maaomawalitsue Kogu*). This new body had the powers of the existing Diet, only the nobility-specific affairs would be left for the Knighthood. The biggest change was to alter the composition principles of the new representative body. While in previous projects the nobility had operated with the idea of three curiae to preserve their majority, this project suggested two curiae, both with 55 seats. One would have been for the owners of large landed estates, the second for the owners of smaller property. Thus, as a result, it would not have necessarily given the nobility a majority but rather would have created a balance between the two groups and also the two nationalities.[338]

It was thus a major concession by the leading Estonian activists regarding the demands of full democracy and equal voting rights. Via this system, large parts of society, such as landless Estonian peasants, would still have been without a voice and thus this project was far from these democratic demands. However, many of Estonian activists agreed with these concessions. Several leading newspapers, such as *Postimees* and *Tallinna Teataja*, expressed their endorsement. They supported it because they were skeptical about the possibility of achieving the government's

[335] Henriksson, *Vassals and Citizens*, 173–74.
[336] Hans Kruus, "Eesti ühiskondlik mõte 1915. aastal. Tagasivaade," *Vaba Sõna* 12 (1915): 313–16.
[337] Toomas Karjahärm, "Eesti-saksa kompromiss 1915. aastal," in *Esimene maailmasõda ja Eesti I*, Eesti Ajalooarhiivi toimetised, 22 (29) (Tartu: Eesti Ajalooarhiiv, 2014), 108–10.
[338] "Eesti kubermangu maaomawalitsuse üleüldised põhjusmõtted ja maaomawalitsuse ülesannete eraldamine Eestimaa rüütelkonna asutustest," *Päewaleht*, September 18, 1915; Karjahärm, "Eesti-saksa kompromiss," 112–14.

support for more far-reaching reforms as the administrative structure had remained unchanged already for decades. This reform promised to achieve at least some inclusion rather than nothing at all. Nevertheless, others criticised it as pulling back from demands for universal suffrage and accused it of being an opportunistic compromise with the nobility.[339]

6. Conclusion

This chapter has analysed the ethnic structure of the Baltic provinces and the nature of the provincial administration system in the late tsarist era. Up until spring 1917, the provincial administration system remained largely unchanged, meaning that it was only the Baltic German noble elites who controlled the provincial administration. St. Petersburg attempted to unify the imperial administration system and proposed introducing the zemstvo system in the western provinces and possibly also in the Baltic provinces. The project also proposed introducing national curiae in order to strengthen the Russianness of these provinces.

In the Baltic provinces, the reform discourse mainly circulated around transforming the diets into more inclusive ones and to include other nationalities and groups rather than keeping it exclusively as an institution of Baltic German nobility. In these reform discussions, the Baltic German nobility proposed introducing property curiae for the diets. This would have meant that only owners of property at or above a certain value would have had the right to participate; the overall composition would have been designed so that it would have guaranteed a German majority. Other possible models such as proportional representation suggested by Stackelberg were also brought to the table. Furthermore, in the discussions over provincial administration, some Estonian newspapers introduced the ideas of Renner for the first time to the Estonian readers.

In 1912, Erich von Oettingen proposed an alternative vision: to complement property curiae of the Diet with national curiae. Both Stolypin's project and Oettingen's ideas show that some leading political circles of the empire and some Baltic German circles were willing to make nationality a meaningful category in administration. They proposed this for different reasons: to maintain German power or even create Russian dominance. Thus, Oettingen's project was also largely a power-preservation tool as he proposed national curiae in combination with property curiae, which would have guaranteed German dominance. In essence, these were minor changes and far from the demands articulated for full democracy and universal suffrage in provincial affairs. Stolypin's and Oettingen's projects rejected the principle of equal civil rights and equal and

[339] Karjahärm, "Eesti-saksa kompromiss," 118–21.

universal suffrage and aimed to prevent the introduction of these principles with the help of curiae. At the same time, different non-territorial autonomy projects analysed in the previous and following chapters had equal citizen rights and democracy in the foreground and proposed non-territorial autonomy to alleviate possible challenges that full numerical majority principles would have had on the nationalities question. At the same time, Oettingen's conservative vision and Stackelberg's proportional representation project were already steps closer to a minority protection discourse. In particular, their argumentation included points on how to guarantee that Estonian and Latvian majorities would not infringe in the administering of German cultural affairs.

PART II: Era of War and Revolution, Era of Project-Making

This part of the dissertation analyses debates over the national question from 1914 until 1920. During this period, amid a rapidly changing political situation, numerous future scenarios for Russia and the Baltic region were discussed: a democratic Russian federation, some united Baltic state, and independent Estonian and Latvian nation-states. Estonian national activists, drawing on the ideas of Renner and Bauer, often reading them on the impetus of Russian parties and mediators, put forward agendas which demanded an Estonian national-territorial unit in a renewed Russia, complemented with non-territorial autonomy provisions for diasporic settlements. Actitivists in these diasporic settlements advocated the non-territorial autonomy model after the February Revolution. In these years, recently arrived Estonian refugees in Siberia tried to mobilise large Estonian communities and proposed that non-territorial autonomy would be the most suitable model to help to preserve their national identity.

While the political future was uncertain, Baltic German noblemen drafted alternative state visions, proposing a united Baltic state. Interestingly, navigating the context where they were only a tiny minority, they proposed an internal state structure without any national-territorial units, but instead non-territorial national corporations which would have dealt with their own national affairs. At the same time, amid the context of the nascent Estonian nation-state, the Jews readjusted from the broader Russian framework to the Estonian framework and made non-territorial autonomy a cornerstone of their political agenda in this new political reality.

Chapter 3 Non-Territorial Autonomy in Estonia Between 1914 and 1918: Territoriality, Networks, and the Independence Manifesto

1. Introduction

In late May 1917, an Estonian socialist, Hans Kruus (1891-1976), having attended the Conference of the Northern District of the Socialist-Revolutionary Party in Petrograd, was together with roughly fifty fellow party members on the train to Moscow to participate in the Third Congress of the Socialist-Revolutionary Party.

Among the travellers were many important members of the party, such as Mark Natanson and Nadezhda Briullova-Shaskol'skaia. Kruus described how, at one point on their journey, the travellers started discussing the national question and autonomy:

> Suddenly the national question is at issue in our group. How to properly solve the national question? There's not a single voice against autonomy. Views diverge only on the question of what kind of autonomy to implement. The most popular is common territorial autonomy. Together with [Nadezhda] Briullova-Shaskol'skaia, a contributor to the *Delo Naroda*, we defend the principle of extraterritorial autonomy, arguing that only by introducing this it is possible to organise the relations between the nationalities in Russia and eliminate any national friction.[340]

Only a few weeks after the Third Congress, Kruus started to publish an article series in the mouthpiece of the Estonian Socialist-Revolutionaries, the newspaper *Töö Lipp* (*The Labour Banner*), published in Tallinn, advocating for the federalization of Russia to be complemented with non-territorial autonomy.[341]

A few years before the February Revolution, an underground circle of autonomists of Tallinn's Estonian Club of the Intelligentsia secretly convened on the premises of the Estonia Theatre. Estonian national activists discussed the issue of autonomy, and a young lawyer, Jüri Vilms (1889-1918), one of the leaders of the circle, on several occasions presented the ideas of Otto Bauer. There was hardly any other Estonian politician who, according to the accounts of

[340] H. Kruus, "Sotsialistide-rewolutsionääride erakonna kongressilt. Muljed," *Töö Lipp*, March 6, 1917.
[341] Hans Kruus, "[Rahvusautonoomia] Mispärast nõuame meie rahvustele vaba enesemäärmisõigust," *Töö Lipp*, June 17, 1917; Hans Kruus, "[Rahvusautonoomia] Venemaa rahvuslikud maaringkonnad iseseisvate riikidena," *Töö Lipp*, June 22, 1917; Hans Kruus, "[Rahvusautonoomia] Territoriaalne autonoomia," *Töö Lipp*, June 7, 1917; Hans Kruus, "[Rahvusautonoomia] Rahwuskultuuriline autonoomia," *Töö Lipp*, July 22, 1917; Hans Kruus, "[Rahvusautonoomia] Rahwuskultuuriline autonoomia. Föderatsioon," *Töö Lipp*, March 8, 1917; Hans Kruus, "[Rahvusautonoomia] Rahwuskultuuriline autonoomia," *Töö Lipp*, May 8, 1917; It was later published in Tartu as a separate book-pamphlet: Hans Kruus, *Rahwusautonoomia* (Tartu: Eesti Üliõpilaste Poliitilist Kihutustööd Korraldav Toimekond, 1917).

Vilms's contemporaries from the circle, would have been so keenly interested in Bauer.[342] The historian Seppo Zetterberg even regards Bauer as "the spiritual father" of Vilms.[343] Strikingly, however, in Vilms's writings, there are almost no traces of Bauer's proposal for non-territorial autonomy. Instead, Vilms was a staunch proponent of pure territorial autonomy.

The third protagonist of this chapter, Karl Luts (1882-1942), was an Estonian social democrat who was born and lived in Petrograd and who was active in Estonian national circles and the inter-ethnic autonomist movement.[344] In the autumn of 1917, he supported the territorial solution of the national question. However, speaking largely about his own experience of living in a diaspora community, he argued that territorial autonomy must be complemented by a non-territorial arrangement to protect Estonian settlements. He published these ideas in an article series entitled *National or Extraterritorial Autonomy and Our Settlements* (*Rahwusline ja eksterritorialne autonomia ja meie asundused*).[345]

This chapter of the thesis will analyse these three activists and their ideas of (non-)territorial autonomy. All three, each in a different way, show how Estonian left-wing politicians attempted to combine Marxist and nationalist ideas and how their understandings of autonomy was strongly anchored in territory. Furthermore, these three cases show the tangled path of non-territorial autonomy in Estonia and how it was connected with the debates in Russia and Austria. Hans Kruus is in the foreground of this chapter, since he was the main advocate of non-territorial autonomy in Estonia: he wrote the most extensive treatise on the topic and presented his ideas at numerous political meetings. Furthermore, Kruus was a member of the Socialist-Revolutionary Party which was, following the February Revolution, the biggest and most influential party in Russia. In Estonia, the electoral success of the party was modest: in spring 1919, they won only seven seats out of one hundred and twenty in the Estonian Constituent Assembly.[346] Nevertheless, it had a fairly high number of members, between 5000 and 7000,[347] had some influential and active members such as Hans Kruus and Gustav Suits, and was the main proponent of the non-territorial autonomy model in Estonia. Although Kruus was one of the main advocates of non-territorial

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342 See memoirs of Johan Jans, Richard Räägo, Eduard Laaman: Hando Runnel, ed., *Jüri Vilms mälestustes* (Tartu: Ilmamaa, 1998), 256; 246–47; 517; Johan Jans, *Mälestusi ja vaatlusi* (Tartu: Ilmamaa, 2008), 265–66.

343 Seppo Zetterberg, *Jüri Vilmsi surm: Eesti asepeaministri hukkamine Helsingis 13. aprillil 1918* (Tallinn: Tänapäev, 2004), 20.

344 Luts, Karl Friedrich, EKM EKLA. F 193: 23: 46, p. ½.

345 See his article series on extraterritorial autonomy: K. Luts, "Rahwusline ehk eksterritorialne autonomia ja meie asundused," *Wabadus*, September 6, 1917; K. Luts, "Rahwusline ehk eksterritorialne autonomia ja meie asundused," *Wabadus*, September 7, 1917; K. Luts, "Rahwusline ehk eksterritorialne autonomia ja meie asundused," *Wabadus*, September 8, 1917; This was later published as a separate pamphlet: Karl Luts, *Rahwusline ehk eksterritorialne autonomia ja meie asundused* (Peterburi: Eesti Osaühisuse kirjastus, 1917); Another work by him focuses on autonomy and federation Karl Luts, *Autonomia ja föderatsion* (Peterburi: Eesti Osaühisus, 1917).

346 Graf, *Eesti rahvusriik*, 289.

347 Graf, *Poliitilised parteid Eestis 1917-1920*, 87–89.

autonomy, to get a fuller picture, it is important to analyse his ideas together with those of Vilms and Luts, who had different political affiliations but who also extensively dealt with the national question.

Based on the analysis of the sources, the chapter demonstrates that in Estonian political discourse, the core demand was to have an Estonian national-territorial unit. Although, as the introduction showed, in terms of deep theoretical roots, non-territorial and territorial autonomy are conceptually two different models, in political programmes and in implementing, these two come in different forms of combination. The works analysed here demonstrate how the core demand was an Estonian territorial unit within a Russian Federation complemented with non-territorial autonomy provisions for diasporic communities living outside the national-territorial unit.

The genealogy of Estonia's political independence and the preceding demands for political autonomy and its institutionalisation by the Russian Provisional Government in the spring of 1917 has found considerable scholarly attention.[348] The same is true for federalist ideas in the Baltic provinces of the Russian Empire.[349] Nevertheless, shifting the focus to non-territorial forms of autonomy—a topic often overlooked not only in the history of the Baltic provinces until the end of the Russian Empire but in historical scholarship more broadly—helps to shed some light on the complexity of nation, nationalism and their relation with territory. Furthermore, the cases and analysis offered in this chapter are almost unknown in scholarly literature so far. While Kruus' ideas have been mentioned in literature focusing on the interwar years and the Law on Cultural Self-Government, there is so far no closer analysis of his ideas. Furthermore, apart from recent studies which focus on Luts' federalist ideas,[350] he is basically a forgotten figure in Estonian history.

2. Establishing an Estonian Governorate within Russia

Before moving on to a closer analysis of the sources, it is important to revisit the question of national-territorial administration structure. As the previous chapter showed, the territories that Estonians inhabited formed a relatively compact settlement area. This area included the entire Governorate of Estland and the northern part of the Governorate of Livland. Within this

[348] Graf, *Eesti rahvusriik*; Hent Kalmo, "Enesemääramise saatuslik tund," in *Iseseisvusmanifest. Artikleid, dokumente, mälestusi*, ed. Tõnu Tannberg and Ago Pajur (Tartu: Rahvusarhiiv, 2014), 163–234; Ago Pajur, "Die Geburt des estnischen Unabhängigkeitsmanifests 1918," *Forschungen zur baltischen Geschichte*, no. 1 (2006): 136–63; Jaan Undusk, "Iseseisvusmanifesti intertekstuaalsus," in *Iseseisvusmanifest. Artikleid, dokumente, mälestusi*, ed. Tõnu Tannberg and Ago Pajur (Tartu: Rahvusarhiiv, 2014), 19–52.

[349] On Russia see for instance Hagen, "Federalisms and Pan-Movements"; On the Baltic states see for instance Piirimäe, "Federalism in the Baltic."

[350] Piirimäe, "Federalism in the Baltic."

settlement area, there were some compact pockets of diasporic minority settlements, most importantly the Swedes on the islands and on the western coast of Estonia, and the Russian Old Believer communities on the western coast of Lake Peipus. Other major ethnic groups such as the majority of Russians, Germans, or Jews did not form such compact settlements and were more dispersed and to a large extent urban dwellers.

The fact that the Estonian settlement areas were separated between the two governorates was increasingly seen as a problem by leading national activists. As early as in 1864, Estonians petitioned Emperor Alexander II to unite Estonian settlement areas into one governorate.[351] This demand was repeated in 1881 when Estonian organisations approached Emperor Alexander III with a request to rearrange the borders of the governorates so that there would be a separate Estonian governorate.[352] This remained one of the core political demands and was actively voiced by different Estonian parties during the failed 1905 Revolution.[353] Since the second half of the nineteenth century, this demand was closely connected with map-making and using visual tools and linguistic maps to conceptualise home territory.[354]

Although this demand became central in the agendas of Estonian political activists, it was only the February Revolution that created a window of opportunity to practically realise this vision. Estonian national activists sent the Provisional Government a draft regulation to unify Estonian-inhabited areas into one governorate and establish new institutions. On March 30, 1917, the Russian Provisional Government approved the provisional governance act of Estonia.[355] The bill unified the Governorate of Estland and the northern part of Livland inhabited mainly by Estonians and thus created an Estonian governorate within ethnic borders. Furthermore, the bill rendered the estate-based diets of the German nobility obsolete. The newly elected organ, the provisional provincial assembly (*Ajutine Maanõukogu*), was elected through universal elections where all men and women, at least twenty years old, could cast their votes.[356] The outcome did not only give an overwhelming majority to Estonians—out of 62 delegates, 60 were Estonians—but the assembly

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[351] Evald Blumfeldt, "Ühest magistraal-ideest eesti ühiskondliku mõtte ajaloos poolsajandil enne 1917. aasta veebruarirevolutsiooni," *Eesti Teadusliku Seltsi Rootsis aastaraamat*, no. VIII: 1977-1979 (1980): 18.
[352] Piirimäe, "Federalism in the Baltic," 241.
[353] Blumfeldt, "Ühest magistraal-ideest," 26–29.
[354] Gibson, *Geographies of Nationhood*, 160–61.
[355] On achieving autonomy see: Ago Pajur, "'Meie riigipoliitiliseks paleuseks on autonoomia'. 30. märtsi 1917. aasta määrus Eestimaa ajutise valitsemiskorra kohta," in *Esimene maailmasõda ja Eesti I*, ed. Tõnu Tannberg, Eesti Ajalooarhiivi toimetised, 22 (29) (Tartu: Eesti Ajalooarhiiv, 2014), 217–169; Tiit Rosenberg, "From National Territorial Autonomy to Independence of Estonia: The War and Revolution in the Baltic Region, 1914-1917," in *Imperiology. From Empirical Knowledge to Discussing the Russian Empire*, ed. Kimitaka Matsuzato (Sapporo: Hokkaido University, 2007), 199–222; Graf, *Eesti rahvusriik*, 125–34.
[356] Voting, however, was indirect: people elected deputies to the electoral college which later elected the deputies to the provincial assembly.

was also dominated by the political left. Other nationalities managed to send only two delegates: the German Max Woldemar Bock and the Swede Hans Pöhl.[357]

By the time the majority of the discussions analysed in this chapter (apart from most of the texts by Jüri Vilms) took place, this Estonian territorial unit had already been established. However, the Estonian Governorate was at that point not constitutionally guaranteed, since the Russian Provisional Government proposed that the All-Russian Constituent Assembly should work out the exact political architecture of the renewed Russian state. It was far from certain that the new territorial unit would gain a constitutional backing since many influential politicians were opposed to such a state vision. For instance, as mentioned earlier, Feodor Kokoshkin opposed the creation of an Estonian national-territorial unit within Russia, arguing that it meant the destruction of the Russian state.[358] Advocacy for an Estonian unit within Russia in the works of activists discussed in this chapter should be seen in the light of this uncertain future.

Jumping a couple of years ahead in time, the exact border drawing between the Estonian and Latvian nation-states caused some conflicts. In particular, the border town Valga/Valka became a centre of territorial disputes. Since nationalities lived intermingled, it was complicated to draw a neat border between Estonia and Latvia. Ultimately, with the help of British mediators, the border dispute was solved by dividing the town into two, allocating more significant parts of it to Estonia, and both sides reluctantly signed a border treaty in October 1920.[359] Thus, although Estonian and Latvian settlement areas were relatively clear-cut, the border regions were more complicated and it was still a challenge to draw a border to neatly divide Estonian and Latvian areas.

3. Self-determination and the personality principle

The debates about different forms of autonomy, including cultural autonomy, were closely connected with arguments for the self-determination of nations. Among the national elites of the western provinces of Russia, the idea had taken ground already years before it became prominent in international politics at the end of World War I. Clearly, for small nations in the Russian Empire without a prior history of independence, until the end of 1917 this idea meant primarily intra-state self-determination within the larger Russian (federal) framework.[360]

[357] Jaak Valge, *Eesti parlament 1917-1940: poliitiline ajalugu* (Tallinn: Eesti Rahvusraamatukogu, 2019), 51–54.
[358] Eduard Laaman, *Eesti iseseisvuse sünd* (Tartu: Loodus, 1936), 114.
[359] Gibson, *Geographies of Nationhood*, 193–216; plate 18.
[360] Piirimäe, "Federalism in the Baltic"; Eva Piirimäe, "Afterword: Self-Determination and Recognition in the Baltic States, 1917–1922," *Acta Historica Tallinnensia* 28, no. 2 (2022): 334–36.

In the articles published in 1917, Kruus started his theoretical construction with the argument of national self-determination. He backed the argument with three points. Firstly, he derived it from the principle of equal rights of individuals. Kruus argued that each individual human being was inherently free and valuable. Furthermore, he argued that the right to pursue happiness and to determine oneself was the moral principle of socialism. Kruus transferred this right of the individual to nationalities as well. This fundamental principle of national self-determination was, for Kruus, unconditional and could not depend on external constraints such as loyalty. "Just as the human being has by the virtue of birth the right not to close one's eyes but to observe the things and the world, so they also have the right to be the master of one's fate. Thus, also the nation, by the virtue of its birth and its existence, has the right to guide itself by self-determination."[361] In this argumentation of deriving the rights of nationalities from the rights of the individual, Kruus relied on the Russian constitutional scholar Vladimir Gessen (1868-1920). In his 1906 book, Gessen had very similarly shown an analogy between the freedom of individuals and the freedom of nations to practice their own culture. He analysed how the French Revolution had brought about the equality of citizens before the law. However, he argued that this was not enough in case a dominant nation or a centralised state oppresses another and restricts the embrace of one's culture.[362]

This focus on the individual was also one of the principles of the intellectual and political Young-Estonia (*Noor-Eesti*) movement during the years of the First World War. On the one hand, young intellectuals embraced left-wing political ideas. On the other hand, they were opposed to more collectivist notions of nationhood, for example those of Jaan Tõnisson's (1868-1941?) circle.[363] Tõnisson was the editor of the newspaper *Postimees* and one of the leading Estonian politicians in the late tsarist and interwar period, being the leader of national-liberal party. The Young-Estonia movement and their journal *Vaba Sõna* (*Free Word*) were also the starting point of Kruus' and also Jüri Vilms' participation in politics.

Other thinkers came to a similar conclusion and stressed the analogy between the freedom of the individual and the freedom of the group. Karl Renner, on whose work Kruus heavily relied, connected the individual's right to self-determination primarily with the "personality principle," an

361 Kruus, *Rahvusautonoomia*, 5–7.

362 Vladimir M. Gessen, ed., *Avtonomiia, federatsiia i natsional'nyi vopros* (St. Peterburg: Narod i svoboda, 1906), 1–12; Ivan Sablin and Alexander Semyonov, "Autonomy and Decentralization in the Global Imperial Crisis: The Russian Empire and the Soviet Union in 1905-1924," *Modern Intellectual History* 17, no. 2 (2020): 8; Anastasiya Tumanova, "The Liberal Doctrine of Civil Rights in Late Imperial Russia," *Cahiers Du Monde Russe* 57, no. 4 (October 1, 2016): 791-818.

363 Toivo Ülo Raun, "Eesti lülitumine modernsusesse: 'Noor-Eesti' roll poliitilise ja sotsiaalse mõtte mitmekesistamisel," *Tuna* 2, no. 2 (2009): 39–50; Jüri Kivimäe, "Sõda ja kultuuriline pööre," *Philologia Estonica Tallinnensis* 17 (2015): 23–75; Jüri Kivimäe, "Noor-Eesti tähendust otsides: vanu ja uusi mõtteid," *Methis. Studia humaniora Estonica* 1/2 (2008): 21–43.

individual's right to freely declare his or her national belonging. However, Renner also connected it with the broader idea of national self-determination: "This individual right to self-determination constitutes the correlative of the nation's right to self-determination."[364]

Second, Kruus argued that the right of self-determination, both as an individual and as a nation, helped to advance the class struggle. He thought that the constant national campaigns encouraged by bourgeois parties blurred class divisions and would eventually "force the proletariat to step into unnatural coalitions with the bourgeoise."[365] The national struggle had to be taken off the table to focus on more important issues. As Kruus wrote: "Only by organising relations between nationalities on broad principles of self-determination will the national struggle lose its acuteness, creating the preconditions necessary for the proletariat to fight together under the common international flag of socialism."[366]

Third, he stressed the importance of organising states according to the economic principles and argued that the granting of the right to self-determination would make the future development of the Russian state feasible. He argued that an alternative would be the weakening of the state internally and externally due to constant national struggles. He argued that Austria, where "national struggle hindered greatly the political and legislative development of the state," was a cautionary tale.[367] This argument was common in discussions about the future of Russia. For instance, Ernst Õsso, another young student of law, also argued that intra-state self-determination and the granting of rights to small nations was the key to avoid centralisation that would tear the state apart and an incapacitated central parliament as had been the case with Austria.[368] In a quite similar way, Otto Bauer presented his non-territorial autonomy in a strong Marxist framework and argued that the disintegration of Austria into nation-states would be the triumph of imperialism, capitalist expansionism, and the defeat of the working class. The collapse would be followed by a national struggle which would make class struggle impossible.[369]

Another topic that Kruus discussed was the form of self-determination. Theoretically, he did not find any reasons why one should not support the full independence of all nations. He quoted at that time the increasingly popular slogan by Johann Caspar Bluntschli: "Every nation is called and entitled to form a state. As mankind is divided into a number of nations, so shall the world be divided into as many states. Every nation a state, every state a national being."[370]

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[364] Synopticus [Karl Renner], *Staat und Nation*, 8; Renner, "State and Nation [1899]," 18.
[365] Kruus, *Rahvusautonoomia*, 8.
[366] Kruus, 7–8.
[367] Kruus, 8.
[368] E. Õsso, "Mida mõistame meie rahvaste vaba enesemääramise õiguse all?," *Sirvilauad 1918*, 1917, 40–41.
[369] Bauer, *Question of Nationalities*, 403–4.
[370] Johann Caspar Bluntschli, *Allgemeine Staatslehre* (Stuttgart: J.G. Cotta, 1875), 107; Kruus, *Rahvusautonoomia*, 10.

However, Kruus immediately refuted the principle that every nation should establish a separate state. The main reason was the question of ethnically diverse settlement structures. This meant, Kruus argued, that there would always be ethnic minorities outside of their respective territory. He argued that separate nation-states would thus not solve the national question but would only multiply it on a smaller scale.[371]

Furthermore, Kruus presented numerous arguments against the nation-state, such as the difficulties in gaining international recognition, and the costs for defence, border protection, and diplomatic representation.[372] All these arguments against nation-state were connected to smallness. As Luts—who similarly rejected secession—put it: "In the family of today's Goliath states, with our population of a million, we are a midget, a *quantité négligeable*."[373]

Kruus's main argument, however, was economical. Capitalist development, he argued, required big, populous economic units. Forcing economic development into the confines of small nation-states, where trade was hindered by borders, different tax policies, different national legislations, and customs, would mean decreased productivity and slower industrial development.[374]

As we saw, Kruus advocated self-determination within a broader state framework. In the broader state architecture, he connected self-determination with decentralisation and political competencies on the level of the constitutive units of the federation.[375] Kruus started his analysis of territorial autonomy with a Montesquieuian argument that natural and historical conditions determined the specific culture and habits of the peoples inhabiting a certain territory. The Russian Empire, an enormous state in which there were significant differences between the inner regions, such as northern Russia or the territories around the Caspian Sea, could not be governed only from one centre. Moving on to the school of decentralisation, Kruus argued that this school had found broad support and even consensus among jurists. He quoted Georg Jellinek as the foremost authority of this school who had argued that while it was "entirely impossible" to govern from the centre only, the ideal should be a decentralized state where some of the competencies, based on historical differences, were delegated to the local level. This would increase citizens' interest in participation in state affairs and their political responsibility.[376]

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371 Kruus, *Rahvusautonoomia*, 11.
372 Kruus, 12.
373 Luts, *Autonomia ja föderatsion*, 10; Piirimäe, "Federalism in the Baltic," 250; Trencsényi et al., *History of Modern Political Thought. Volume I*, 529.
374 Kruus, *Rahvusautonoomia*, 11–12.
375 In sources, Vilms, Kruus and Luts use such words as *osariik*, *maaosa, riigiosa.*
376 Kruus, *Rahvusautonoomia*, 15–19.

Kruus's strong embeddedness not only in the ideas of Bauer and Renner but also in Russian political discourse is demonstrated by the fact that the section on territorial autonomy in his book is borrowed from Gessen. A large section of Kruus' text arguing for decentralisation is, with minor modifications, almost a word-for-word translation from Gessen. Kruus did not mention Gessen's name, but omitting the original author and combining one's own ideas with the ideas of others was relatively common in political texts of the time. Even a long quote by Georg Jellinek is taken from Gessen's book.[377] That book provided a detailed analysis of Austro-Hungarian national and political affairs and argued for administrative decentralisation. Gessen was in favour of national autonomy but specified that it had to be limited to cultural and religious affairs only and implemented via parliamentary and constitutional measures.[378]

However, Kruus rejected territorial autonomy on a purely national basis. Since nations lived intermingled, it was impossible to create purely national territorial units. The majority would give privileges to its "own" people and would not grant enough guarantees in national-cultural affairs to the "foreigners" and would oppress them. If these constitutive units were based on the national-territorial principle, it would also give no means to protect fellow-nationals who lived outside this territory. Purely national territorial units without any additional protection for minorities could lead to a situation in which one majority would want to retaliate for the suppression of their fellow-nationals by a majority in another territory. In addition, purely national administrative units could cut off essential—economic or social—connections.[379]

Connecting self-determination with the national question, as we saw, was a challenging task since, in the view of the thinkers analysed, a pure ethno-territorial architecture for Russia would only multiply the problems of ethnic diversity on a smaller scale. The answer to this conundrum, Kruus argued, was to be found in the Austrian political debates. As the first chapter of this study showed, the controversial §19 of the 1867 Constitution loomed large in the Austrian debates over the national question. Renner criticised it and held it as mere words on paper rather than a legal mechanism that one can actually put into practice.[380] Bauer continued this debate, writing that although the article could protect individuals, it failed to protect nations as groups against the injustices done by another nations.[381]

Kruus borrowed this argument from Renner and Bauer and wrote that the vague formulation of §19 had not helped to resolve the national question and instead had increased tensions. Kruus wrote that Renner had shown that this paragraph was just mere window dressing,

[377] Gessen, *Avtonomiia*, 16–22; Kruus, *Rahvusautonoomia*, 15–20.
[378] Sablin and Semyonov, "Autonomy and Decentralization," 8.
[379] Kruus, *Rahvusautonoomia*, 19–21.
[380] Renner, "State and Nation [1899]," 19.
[381] Bauer, *Question of Nationalities*, 225–26.

because only a person could possess rights and, in case these rights had been violated, it was only a legal person that could turn to the court.[382]

Kruus spent several pages arguing for the personality principle (*isikuline (personaalne) põhjusmõte*). He argued that while in the context of national autonomy the principle was new, it nevertheless had a long history, starting from the earliest levels of cultural development of humankind. He stressed that for nomadic peoples, personal associations were the only form to organise social life. Other historical examples he cited were mediaeval guilds, political parties, and economic classes. He argued that the personality principle was increasingly important as it is applied among religious associations, trade and industrial associations, workers, health insurance funds, and the military. Kruus argued that the first expression of national autonomy based on the personality principle were discussions held at the Kremsier constitutional commission in the late 1840s, which discussed the possibility of electing deputies to the imperial parliament via the curial system.[383] The solution that Kruus proposed was the same as that of Bauer and Renner: "[t]he state has to recognise the nation as a legal and autonomous collective person (*kogu-isik*)."[384] He concluded that "the nation has to become a state within a state, it has to become the autonomous defender and organiser of the national interests of its members."[385] This argumentative trope—the nation as a "state within a state"—became later charge thrown against autonomy for minorities in the nation-state framework.

One of the central questions of national autonomy is to whom autonomy applies and how to determine who is a member of the autonomous nation. In terms of the cadastre or the register, one of the central blocks of the practice of autonomy, Kruus followed Renner's and Bauer's ideas and the critique of determining nationality based on some objective criteria. Kruus criticised the approach that had been popular among statisticians who argued that national belonging should be defined according to the principle of spoken language (*langue parlée*). Kruus argued, relying on Renner, that like religious affiliation, it should the individual who could voluntarily declare their national belonging and not a state body which would determine it based on some objective criteria. Parents should decide on behalf of their children. Kruus downplayed the possibility of negating one's national belonging for some egoistic reasons, contending that, for most people, this would be as abominable as renouncing one's faith. Furthermore, the everyday lives of individuals were

[382] Kruus, *Rahvusautonoomia*, 13–14.
[383] Kruus, 24–26.
[384] Kruus, 14, 22.
[385] Kruus, 14; Piirimäe, "Federalism in the Baltic," 251; Trencsényi et al., *History of Modern Political Thought. Volume I*, 530.

more connected with national rights and interests than with the religious ones.[386]

Karl Luts was also an advocate of the free determination of individual national belonging and relied on both Bauer's reading of Renner and on the critique of the Moravian Compromise of 1905. Bauer had written that the national register had been partially implemented in the Austrian crownland of Moravia but criticized it for not being entirely based on an individual's free declaration of nationality. Instead, other members of the same register were able to contest the membership of an individual, and ultimately it was the municipal authority (*Gemeindevorsteher*) that had the final say in the matter. Bauer had rejected this solution because it did not grant full individual freedom in declaring one's nationality.[387] In his account, Karl Luts now reproduced the same argument and drew on the same example as Bauer. Even the structure of Luts's text follows very closely that of Bauer's, in particular regarding the critique of the Moravian Compromise and in its justification of the free declaration of one's nationality.[388]

The structure of national autonomy that both Kruus and Luts advocated was borrowed from Renner's 1902 book *Der Kampf der österreichischen Nationen um den Staat*. Renner wrote that the national council (*Nationalrath*) was the organ that should administer national-cultural affairs. This institution—which Luts translated as *rahvuskogu* and Kruus *rahwusnõukogu*[389]—was also a central part of their model and was to be elected by the members of the register. The national council would have the right to levy taxes on the members of the registry in order to to fund its activities and schools. In Renner's model, the national ministry would be the executive organ, headed by a minister-like official with the official title of national state secretary (*nationaler Staatssekretär*). While Kruus's account was less detailed in these technical aspects and did not delve into this institution, Luts, faithful to the original, translated the position as *riigisekretär* and recapitulated the main tasks of the role.[390]

Both Kruus and Luts concurred with Renner that the competencies of national autonomy should be limited to national-cultural affairs only, such as: schooling, academies, arts, and theatres. Luts and Kruus emphasised that with regard to educational matters, national autonomy authorities would act fully on behalf of the state, which only set the broad framework, such as the minimum length of compulsory education.[391] As Kruus put it: "Extraterritorial autonomy is purely national-

[386] Kruus, *Rahwusautonoomia*, 23–24; Renner, "State and Nation [1899]," 17–18; Synopticus [Karl Renner], *Staat und Nation*, 7.
[387] Bauer, *Question of Nationalities*, 281–82; Bauer, *Nationalitätenfrage*, 308–9.
[388] Luts, *Rahwusline ehk eksterritorialne*, 9.
[389] Kruus also uses the synonym *rahwuskultuuriline parlament,* or *Kulturparlament* as Renner wrote.
[390] Cf. Springer [Karl Renner], *Der Kampf*, 200–203; Kruus, *Rahwusautonoomia*, 36–37; Luts, *Rahwusline ehk eksterritorialne*, 9–13.
[391] Luts, *Rahwusline ehk eksterritorialne*, 10; Kruus, *Rahwusautonoomia*, 37; Springer [Karl Renner], *Der Kampf*, 200–203.

cultural."[392] However, Luts added that the competencies could also include providing financial support by giving loans and establishing banks and investing in factories to provide assistance in "colonisation" and land improvement. The broader aim, nevertheless, was the intellectual and material development of its members.[393] This addition is missing in Kruus's account which reflects Luts's stronger focus on the settlement communities. An analysis combining non-territorial settlements and ethno-territorial administration is offered in the sub-section of the chapter focusing on territoriality.

In addition to following closely what Bauer and Renner had written, and reproducing the main features of their model faithfully, the Estonian activists interpreted the Austrian debates over non-territorial autonomy in their own way. Luts and Kruus incorrectly interpreted the nationalities programme, passed in September 1899 in Brünn/Brno by the all-Austrian Social Democratic Party Congress, as an endorsement of non-territorial autonomy.[394] The meeting in Brünn/Brno indeed discussed the proposal of Etbin Kristan on behalf of the South Slav delegation, which proposed similar non-territorial autonomy that Renner would later propose. However, as discussed in Chapter 1, the congress decided to reject the proposal and endorsed an ethno-territorial solution for Austria.[395] Nevertheless, some parts of the programme, without detailed knowledge of the debates during the congress, could be easily interpreted as elements of non-territorial autonomy. This applied in particular to the third resolution, which promised to unite all ethno-territorial units into one union (*Verband*) which would administer "national affairs fully and autonomously."[396] Interpreting the programme as an endorsement of non-territorial autonomy was widespread at the time. For instance, it was seen as an endorsement of non-territorial autonomy by Oszkár Jászi, Joseph Stalin, the Russian Jewish Bund, and the Russian Social democrats.[397]

In studying the transfer of ideas and political discourse, sometimes the question of how one idea is reinterpreted in a different context and why one activist chooses and advocates a specific concept can be more revealing than categorising it as factually correct or incorrect. Anna Veronika Wendland has stressed that in studying cultural transfer, "mistake making," "misunderstandings," and "false readings" are natural parts of transfer. Put another way, the adaptation process and transformation of concepts are legitimate elements in the cultural transfer

[392] Kruus, *Rahwusautonoomia*, 30.
[393] Luts, *Rahwusline ehk eksterritorialne*, 10.
[394] Kruus, *Rahwusautonoomia*, 27; Luts, *Rahwusline ehk eksterritorialne*, 3.
[395] *Verhandlungen des Gesamtparteitages*, XV; 74–108; For Kristan's own account on non-territorial autonomy see Kristan, "Nationalismus."
[396] *Verhandlungen des Gesamtparteitages*, 104.
[397] Smith and Hiden, *Ethnic Diversity*, 12; Ephraim Nimni, "Introduction: The National Cultural Autonomy Model Revisited," in *National Cultural Autonomy and Its Contemporary Critics*, ed. Ephraim Nimni (London-New York: Routledge, 2005), 2; John Coakley, "Introduction: Dispersed Minorities and Non-Territorial Autonomy," *Ethnopolitics* 15, no. 1 (January 1, 2016): 19; Kuzmany, *Vom Umgang mit nationaler Vielfalt*, ch 3.

process.[398] This triggers the question: What were the authors doing with their texts when they referred to Brünn/Brno, and what they were trying to achieve? In the context of familiarising wider circles with the idea, and trying to find support for the non-territorial autonomy model, references to Brünn/Brno, even if they were not factually correct, served as proof of broader support for this model among Austrian Social Democrats. This in turn was an attempt to show that although it was a novel idea, it was something accepted by socialists abroad. References to the experiments in Moravia or to Russian parties that had included this principle into their programmes possibly served the same goal. This novelty, for some other authors, as we will see later in the case of Vilms, often served as an argument *against* non-territorial autonomy so as to avoid any risky experiments.

4. The territorial premise

We saw above that Kruus carefully disentangled territory and nation and advocated non-territorial self-determination and non-territorial autonomy. Also, as seen earlier, Luts was a strong advocate of non-territorial autonomy. The following part shows that in their thinking, these three activists were, nevertheless, strongly anchored in territory. For them, national-territorial autonomy was the primary goal and non-territorial autonomy was only secondary after this.

In Estonian political discourse in 1917, national-territorial autonomy had become one of the central demands. In one form or another, the whole political spectrum supported this and even the Bolsheviks advocated their version of autonomies within a centralised state.[399] An exepmpary supporter of territorial autonomy from political Left is the leader of Estonian Social Democrats, Mihkel Martna, who relied on the ideas of Karl Kautsky. In 1908, Kautsky, analysing the nationalities question in Russia, wrote that the Russian situation was less complicated than in Austria: other nations than Russians (Jews, Lithuanians, Finns, Germans, Romanians, and Armenians) lived mainly on the periphery and Russia could grant them (territorial) autonomy without any threat to the existence of the state.[400] Martna returned to Estonia in spring 1917 after years as a political exile in Berlin, Zürich, and Vienna, where he had contacts with various high-ranking socialists including Karl Kautsky and Max Adler. He published a pamphlet *Eestimaa autonoomia ja sotsiaaldemokraatia* (*Estonian autonomy and social democracy*) roughly at the same time with

[398] Wendland, "Cultural Transfer," 55.
[399] Graf, *Eesti rahvusriik*, 138–41; 168–72.
[400] Karl Kautsky, "Nationality and Internationality [1907] Part 2," trans. Ben Lewis, *Critique* 38, no. 1 (2010): 150–51.

the article series by Kruus.[401] Martna's proposal was, however, entirely territorial as he supported an autonomous Estonia modelled on Finland. Russia should become a federation modelled on Switzerland. The Estonian majority would be the carrier of autonomy. All other nations (explicitly mentioning Germans and Russians) should have equal rights, the right to use their mother tongue in the parliament, administration, courts, and in schooling. Martna, however, did not specify what model of protection of the rights of other nationalities should be implemented.[402]

Similarly, Estonian liberals adhered to the linkage of nation and territory. The national-liberal newspaper *Postimees* covered the Eighth Congress of the Constitutional Democratic Party (*Konstitutsionno-demokraticheskaia partiia*, Kadets for short) and Kokoshkin's speech in May 1917. Kokoshkin rejected federalism and proposed extended provincial autonomy within existing borders of the governorates. The competencies had to be limited to cultural and economic affairs and combined with the right of national-cultural self-determination for ethnic minorities within the provinces.[403] *Postimees* was at that time the mouthpiece of the Estonian Democratic Party, whose predecessor had been the Estonian People's Party and whose programme in 1907 was based on the Kadets' programme. In 1917, however, *Postimees* rejected the Kadets' new programme. The article argued that autonomy was too limited, enabled the central government to revise the decisions of the province, and did not guarantee enough language rights. Most importantly, however, *Postimees* disagreed with the preservation of the existing administrative structure and with the reluctance to redraw the borders of the governorates according to the ethnic principle. As the author argued: "Local self-government loses the bigger and most important part of its purpose if autonomy is given only within the existing borders of the governorates which are nationally mixed. It does not enable to take full care of national-cultural life."[404]

However, the Kadets' proposal to reorganise Russia based on existing governorates was positively received by a minority of Estonian political elites. For example, at the Congress of Estonian Soldiers in June 1917, Tõnis Jürine, a former member of the Duma, argued that territorial national autonomy was not viable in Russia and would only escalate national conflicts. He

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401 Mihkel Martna, *Eestimaa autonomia ja sotsialdemokratia* (Tartu: Töö, 1917); For Luts' short review of the work see: K Luts, "Sotsialdemokratlised Kõned Ja Kirjad Nr. 1," *Sotsialdemokrat*, July 10, 1917.

402 Martna, *Eestimaa autonomia ja sotsialdemokratia*, 15–16. Martna is one of the few, if not the only political actor in Estonia whose personal copy of Renner's book is still preserved and traceable to its original owner. Namely, a copy of Renner's 1914 *Die Nation als Rechtsidee* in the Estonian National Library originally belonged to Martna's personal library which he bequeathed to the Tallinn City Library after his death in 1934. Unfortunately, it does not contain any thorough comments from Martna, only occasional underlines and a comment "See on rahvuslus – rahvuslus on see" (It's nationalism – nationalism it is).

403 On Kokoshkin and autonomy see e.g. Fedor F. Kokoshkin, *Avtonomiia i federatsiia* (Petrograd, 1917); Tatiana Khripachenko, "Poniatiia federatsiia, detsentralizatsiia, avtonomiia v sotsialisticheskom i liberal'nom diskursakh Rossiiskoi imperii (konets XIX— nachalo XX veka)," in *Poniatie o Rossii* (Moscow: Novoe Literaturnoe Obrozrenie, 2012), 99–142; Semyonov, "Real And Live Ethnographic Map," 225–27; Yoshiro, "Toward an Empire."

404 "Rahwawabaduse erakonna kongressi otsused autonomia asjas," *Postimees*, May 16, 1917.

proposed that the existing territorial units should be granted autonomy and function as the building blocks of a Russian federation.[405]

Despite theoretical arguments against constructing administrative or state-constitutive units purely according to the national-territorial principle, this was the practical outcome that Kruus, in case of the Governorate of Estonia, favoured. In Kruus's model, similarly to what Baudouin de Courtenay suggested,[406] drawing the borders of the constitutive units of the federation had to take into account several factors: geography, linguistic borders, and economy. The last one was the most important factor and a constitutive unit had to be one economic unit with shared economic interests.[407] The other two, geography and the linguistic-national component, were less important. Although geographical and (national-)cultural factors were secondary, they were not insignificant. As Kruus put it: "in no constitutive state of the federation [*osariigis*] should the conflict of interests be greater than their unity so that they lack material and human resources in carrying out their greater cultural tasks."[408] In the Estonian case, although Kruus never explicitly analysed the question of drawing its borders, he also never questioned the ethno-territorial Estonian autonomy achieved in the spring of 1917. Instead, in discussions relating to the future of Estonia, he took the Estonian territorial entity within the Russian federation (*Eesti osariik*) for granted.[409]

However, one could, following Kruus's economic argument, argue that dividing the former province of Livland along ethnic borders would cut off essential economic connections. Riga, for instance, was the biggest industrial centre in the Baltic littoral. Ethnically Estonian parts of Livland served as an economic hinterland for the city, providing a workforce and raw materials for the industry and attracted many Estonians: in 1913, out of 472,068 residents of the city Estonians constituted 8,638.[410] For the residents of the northern part of Livland, Riga served as an important educational hub and provided, due to its scale, economic prospects (markets, jobs) that no other town in the ethnic Estonian province could rival. Furthermore, this division cut off cultural connections. Whereas the Riga Polytechnic Institute was the most important educational institution providing technical education and attracted many Estonians, the University of Dorpat was one of the most important universities in the provinces. It attracted many Latvians and had

405 "Eesti Sõjaväeliste Kongress," *Päewaleht*, June 22, 1917.
406 Trencsényi et al., *History of Modern Political Thought. Volume I*, 529.
407 Kruus, *Rahwusautonoomia*, 35.
408 Kruus, 35–36.
409 See e.g. "Rahwusküsimusest wälja minnes puudutasin omas referadis peaasjalikult exterritorialset (rahwuskulturilist) autonomiat, mis sarnasena teisel pinnal seisab, ja Eesti osariigi territorialisetesse piiridesse ei mahu (asumaad)." "Sotsial-Rewolutsionäride partei Eesti Osakondade II. kongress Tartus," *Sakala*, September 27, 1917.
410 Mark R. Hatlie, *Riga at War 1914-1919: War and Wartime Experience in a Multi-Ethnic Metropolis* (Marburg: Verlag Herder-Institut, 2014), 323.

even been the place where the First Latvian National Awakening originated.[411]

In terms of how to apply territorial and non-territorial autonomy to different parts of the state, Kruus and Luts, relying on Renner and Bauer, proposed two alternative models. If the federal unit was multiethnic, or bilingual (*kahekeeleline*) as Luts put it, the administration of this unit should only deal with questions common to all nations of the respective unit. This nationally neutral administration would be complemented by national governments dealing exclusively with national questions.[412]

The other possibility was that the federal unit was occupied by one nation or was nationally homogenous and that national minorities (*rahvuslikud vähemused*) constituted only a small fraction, too weak to deal fully with all national-cultural affairs (e.g., establish universities and museums). In this case, the administration of this state should also include the national-cultural affairs of the majority of this particular unit. As Luts wrote: "A monolingual district (*ringkond*) would be with its land owned by one people (*rahwas*)."[413] Minorities could establish autonomous national unions (Kruus: *autonoomline rahvuslik ühendus*) or an independent community (Luts: *iseseisev kogukond*) with two main tasks: assist its members in legal issues and help in communicating with government authorities in a foreign language. In addition, they could establish primary schools in their mother tongue.[414]

Proposing specific administrative solutions reflects how ideas are reworked and translated into different contexts. Both Kruus and Luts relied on Renner's work analysing the specific Austrian administrative system. Austria consisted of historical crownlands which Renner saw as anachronistic and a cause of national tensions. He preferred abolishing them but considered it unrealistic and thus he proposed delegating various competencies to these lower administrative levels.[415] In the Russian and specifically the Estonian context, the governorate had been the main unit over which politicians debated. It wast, as seen in chapter two, where the noble corporations had held wide administration competencies until the spring of 1917. As Estonian national activists argued until that point, it was the unit that should be administered according to more democratic and inclusive principles and formed along ethnic borders. And in the intensified debates over the future of Russia in 1917, the governorate, within ethnographic borders, was to be transformed into a constitutive unit, a federal state of the Russian federation of nations.

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411 Marina Germane, "The History of the Idea of Latvians as a Civic Nation, 1850-1940" (PhD dissertation, Glasgow, University of Glasgow, 2013), 49.
412 Kruus, *Rahvusautonoomia*, 35–37.
413 Luts, *Rahvusline ehk eksterritorialne*, 11.
414 Kruus, *Rahvusautonoomia*, 35–37; Luts, *Rahvusline ehk eksterritorialne*, 11–13.
415 Kuzmany, *Vom Umgang mit nationaler Vielfalt*, Ch. 3.

What Kruus proposed was similar to what Renner and Bauer had named *Konkurrenzen* (concurrencies) in their studies. However, an important difference is on which level of administration they proposed its application. For Renner and Bauer, this had to be the on the level of a district (*Kreis*). Luts proposed that these should be established within lower-level organs (either *kreis* or *vald*) and in this sense relatively close to the original idea of Renner who wanted to bring main administrative tasks to the level of the *Kreis*.[416] Kruus, however, proposed it for the level of the (de facto national) *Bundesland*.[417] This adjustment of the administrative structure that Renner proposed for the specific Austrian context clearly reflects how some elements of their model were transformed for application in a different setting.

Jüri Vilms's polemical articles from 1915 demonstrate how for some national activists Otto Bauer was a highly influential thinker advocating disentangling state and nation and uniting two opposing camps: nationalism and socialism. Non-territorial autonomy almost disappeared in Vilms's interpretation of Bauer, and he hardly included this model into his political programme of achieving national-territorial autonomy. One of the main triggers for Vilms to analyse the nationalities question in his writing was the outdated provincial administration system and the reform debates which were analysed in the previous chapter.

In his articles from 1915, Vilms attacked both the Estonian nationalists, mainly the circle of *Postimees* and Jaan Tõnisson, of ignoring socio-economic disparities, and the Estonian socialists of ignoring the importance of nationalism. Relying on Bauer, Vilms argued that the Estonian socialists were following the school of "naïve cosmopolitanism." He wrote that they were following the Russian socialist tradition, but this was the socialism of a strong and dominant nation. Since the Russians did not experience any suppression or Russification and their schools were under no threat, the followers of this tradition neglected the national question and the challenges that other smaller nationalities in Russia were experiencing.[418]

A totally different picture—Vilms continued—opened in the western socialist tradition, in particular in Austria. He described how the idea of a federation of nations was gaining ground and Austrian parties even proposed mechanisms to protect migrant minority communities living among other nations.[419] Vilms proposed that all nations should have the free right to organize their purely national-cultural affairs: administer schools, theatres, and museums. He echoed the Bauerian argument that this would be in the interest of the state because, otherwise, the central parliament would be overwhelmed by national conflicts, as had happened in Austria.

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[416] Luts, *Rahvusline ehk eksterritorialne*, 13.
[417] Bauer, *Nationalitätenfrage*, 313–14; Springer [Karl Renner], *Der Kampf*, 187–88.
[418] Jüri Vilms, "Eesti naiivne kosmopolitism ja rahvuslus," *Vaba Sõna* 1 (1915): 13–16.
[419] Vilms, 16.

Although Vilms reproduced the main tenets of Bauer's autonomy model, he was disinterested in disentangling the territory and nation. Vilms's proposal for Estonia was the following: "But let it be clear towards what we are striving: self-determination of national cultural *areas*."[420] He further argued for "the principle of free national-cultural self-determination (*rahvuskultuurilise vaba enesemääramise mõte*)."[421] It is not an easy task to interpret this wording since, in Estonian, *ala(d)* can mean both *territory/area* or *subject field*. Nevertheless, since this call was against the school of Russian socialism, which, according to Vilms, rejected nationalism as such, the primary aim was to defend the right to preserve one's national culture.

He further explained his ideas in a reply to numerous responses to his first article. He argued that, in devising this idea, he had relied on the Austrian debates. Austrian social democracy, which had dealt with the national question for a long time, had come to a solution, Vilms argued: "The fruit was that the party congress of the Austrian social democratic party passed the nationalities programme in Brünn in 1879 [sic]. This congress solemnly declared that each nation had the right to existence and development." He continued quoting the programme: "Austria has to be reformed into a united state of nationalities. Further: all self-government areas of one and the same nation form one unified, nationally homogenous union which is completely autonomous in taking care of her national interests."[422] He further explained that administering national-cultural affairs has to be given from the state to the nations themselves, which in turn meant that "we demand full *national autonomy*."[423]

Analysing these quotes in the context of the broader body of political writings and activism of Vilms shows that he was an advocate of national-territorial autonomy and paid close to no attention to the non-territorial autonomy model. For instance, within the secret circle of autonomists, between 1914–1915, Vilms wrote a draft project of Estonian autonomy (*Eesti autonoomia eelkavatsus*), planned to be presented to the Russian Duma. Since it was never published and circulated only from hand to hand, the project is unfortunately not preserved. Indirect sources, however, show that it was modelled after the Finnish constitution. It proposed uniting Estonian territories into one ethnic governorate with its own diet, elected by universal suffrage.[424] Seen in this light, Vilms's reference to the Brünn programme in this regard conveyed the main goal of it since the aim was to reform Austria into ethno-territorial units which was also Vilms' ideal for a future Russia and Estonia within it.

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[420] Vilms, 17. My emphasis.
[421] Vilms, 17.
[422] Jüri Vilms, "Eesti rahvuspoliitika," *Vaba Sõna* 5 (1915): 134.
[423] Vilms, 134. Author's emphasis.
[424] Jaan Kärner, "Autonomia," *Sakala*, 27., 29. märts 1917; Graf, *Eesti rahvusriik*, 116–18.

Furthermore, in his writings from 1917 advocating Estonian autonomy, he only declared vaguely the necessity to protect other nationalities in Estonia, but did not mention specific models. He stressed that Estonians were a majority and thus the sovereign: "Each nation is equally a sovereign. We [Estonians] legislatively decide our domestic affairs ourselves."[425] This did not mean, Vilms argued, that Estonians would attempt to assimilate or suppress other nationalities. He proposed that there must be provisions to protect them but he did not specify how exactly: "The constitution must guarantee that each nation has the freedom and possibility to freely advance their national culture."[426]

The lack of interest in the non-territorial autonomy model is also reflected in the programme of the Estonian Radical Socialist Party / Estonian Labour Party (*Eesti Radikaalsotsialistlik Erakond* / *Eesti Tööerakond*) from 1917, drafted among others by Jüri Vilms.[427] The programme did not contain any traces of non-territorial autonomy and advocated a national-territorial structure for the Russian federation.[428] It only very vaguely declared that the rights of national minorities would be secured in the constitution of the Russian federation.[429] The explanatory note which accompanied the programme also adhered to the territorial approach. It dedicated a few pages on the national question and referred to the cautionary tale of the nationalities conflict in Austria but concluded: "It is possible [to end the nationalities conflict] if national-cultural questions are taken away from the central parliament and given to the nationalities on-site [*kohtadel*]."[430] Vilms case thus exemplifies reading Bauer to advocate national-territorial autonomy. Namely, in his political texts Vilms used Bauer as an example of an authoritative thinker from the western socialist stream who attempted to unite socialism and nationalism and establish a federation based on national-territorial units. References to Bauer's works were also an attempt to put more weight on Vilms's political agenda. It is also worth reminding that, as chapter one showed, Bauer and Renner were more territorial than often believed and advocated a combination of national-territorial units and non-territorial autonomy. [431]

Estonian activists' advocacy of territorial national autonomy was in many ways a logical response to the actual situation. The Estonian Governorate, formed in the spring of 1917 based on ethnic borders, was ethnically relatively homogenous. The Estonian census in 1922 showed

[425] Jüri Vilms, "Baltimaa rahwuste wahekord," *Päewaleht*, September 5, 1917.
[426] Vilms.
[427] Ago Pajur, "Juhan Kukk ja omariikluse loomine," in *Juhan Kukk - iseseisvusmõtte sõnastaja: artikleid ja mälestusi*, ed. Heino Arumäe and Anne Velliste (Viimsi-Tallinn: Aade, 2015), 79–80; Jans, *Mälestusi ja vaatlusi*, 203.
[428] *Eesti radikaal-sotsialistide (tööerakonna) põhjusmõtted ja eeskawa* (Tallinn: Eesti radikal-sotsialistide (tööerakonna) Tallinna komitee, 1917), 3; The programme is also published in: Hans Kruus, *Wene ja Eesti poliitiliste erakondade programmid* (Tartu: Eesti Üliõpilaste Poliitilist Kihutustööd Korraldav Toimekond, 1917), 49–51.
[429] *Eesti radikaal-sotsialistide*, 3, 11.
[430] *Eesti radikaal-sotsialistide*, 9.
[431] See e.g. Bauer, *Question of Nationalities*, 264, 271.

that Estonians constituted 87.7 per cent of the overall population, meaning that minorities constituted around 12 per cent of the population.[432] In interwar East Central Europe, the average share of minorities in the state population was around 30 per cent, which made Estonia ethnically one of the most homogenous countries in the region.[433]

Karl Luts's observation is a good example of this widely held emphasis on ethnic homogeneity among Estonian politicians:

> How much happier are we in this regard in our homeland. In the new Estonian governorate, the share of Estonians is probably over 90 per cent and there is no other ethnic group encroaching upon us. Thus, we are here nationally and territorially one mass and there can be no fight for power as long as there is universal and equal suffrage. If only we understand to be compliant with the interests of the minority![434]

This relative ethnic homogeneity was also one reason why Estonian debates about cultural autonomy paid less attention to ethnic relations within the Baltic provinces, and why—as we will see later—it was essentially a model to defend fellow Estonians in other parts of Russia. Luts's quotation above demonstrates that, against the background of centures of nobility-controlled provincial administration, introducing a more democratic system had been the primary goal. Kari Alenius has demonstrated that relative ethnic homogeneity later contributed to the fact that the Law on Cultural Autonomy for National Minorities was passed in 1925, although it was not a decisive factor.[435]

5. Extraterritorial autonomy for whom?

Luts and Kruus advocated a combination of territorial and non-territorial autonomy, giving a strong emphasis to the latter. Although in their writings they did discuss the broader Russian state framework and the question of nationalities on an abstract level, their main target, nevertheless, were fellow Estonians living in dispersed settlements across Russia. A closer analysis of the demands and debates within these settlement communities in Siberia is given in chapter four.

This kind of approach corresponded to the situation the Estonians faced in revolutionary Russia: according to Luts's estimates, roughly 25 per cent of Estonians lived in other parts of

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[432] Mare Ainsaar, *Eesti rahvastik Taani hindamisraamatust tänapäevani* (Tartu: Tartu Ülikooli Kirjastus, 1997), 31.
[433] Jacob Robinson et al., *Were the Minorities Treaties a Failure?* (New York: Institute of Jewish Affairs of the American Jewish Congress and the World Jewish Congress, 1943), app. 2.
[434] Luts, *Rahvusline ehk eksterritorialne*, 7.
[435] Kari Alenius, "The Birth of Cultural Autonomy in Estonia: How, Why, and for Whom?," *Journal of Baltic Studies* 38, no. 4 (December 1, 2007): 447.

Russia.[436] For many Estonian activists, Estonians were a nation who numbered only a little over one million and who were economically, culturally, and politically relatively weak, and so this kind of outflow meant a potential loss of members from a small national body. In 1917, the number of Estonians living outside of the borders of the future Republic of Estonia was nearly 200,000. The census of 1897 indicated that the number of Estonians in the Governorate of Livonia was 528,594 and in the Governorate of Estonia 365,959.[437]

In this context, in Kruus's and Luts's interpretation, cultural autonomy was a tool to enable Estonians living in dispersed settlement communities to preserve their Estonian identity, to avoid their assimilation, and to keep them united and connected with Estonians in Estonia. Kruus, for example, wrote that extraterritorial national autonomy was particularly important for Estonians as a small nation. For a small nation, he continued, cultural production was a bigger challenge compared with big nations because, for instance, in case of publishing, the number of readers would be several times smaller and thus a writer would financially struggle to make ends meet. In this regard, Kruus's aim was also economic: to improve the financial situation of masses via class struggle so they could participate in their national culture as consumers. Furthermore, cultural autonomy would enable these settlement communities to participate in Estonian culture as producers and consumers and to protect their national-cultural and educational interests.[438]

The dimension of settlement communities was even stronger in Luts's text, whose personal experience of being a member of a diaspora in Petrograd echoes in the background. He stated that it would be unrealistic to hope for a large-scale return migration from the settlements, since for many people their new home had brought prosperity.[439] Luts stressed that intellectual life in the settlements needed improvement, but since they were dispersed in Russia, this colossal task was beyond the capability of individual activists. The settlements were becoming more active, and leaders there stressed the necessity of staying in touch with the homeland. Yet the territorial focus of the administration system of Russia and the focus on administering the Estonian Governorate ignored these communities. Luts observed that the settlements were left aside due to the territorial nature of administration of the new Estonian Governorate. As he put it: "Thus, in one way or another, the settler still loves his real homeland. Dumbly, the homeland receives warm feelings as

[436] Luts, *Rahvusline ehk eksterritorialne*, 13.
[437] Toomas Karjahärm and Väino Sirk, *Eesti haritlaskonna kujunemine ja ideed, 1850-1917* (Tallinn: Eesti Entsüklopeediakirjastus, 1997), 190; Raimo Pullat, *Lootuste linn Peterburi ja eesti haritlaskonna kujunemine kuni 1917* (Tallinn: Estopol, 2004), 38.
[438] Kruus, *Rahvusautonoomia*, 29–30.
[439] Luts, *Rahvusline ehk eksterritorialne*, 11–12.

it should be so self-evident, and continues with its everyday life. One-sided and intrusive is our expression of love [for homeland]."[440]

Like Kruus, Luts also put forward the argument of smallness: higher cultural development needs more people, and eventually the Estonian homeland will understand that it needs settlers in this endeavour. He proposed:

> One body with common national interests, with its own organs, with its national council which encompasses and expresses diverse endeavours of different strata of the people. One plan for upbringing, common aid, one school plan, gymnasium education, university—we would carry out everything united and our homeland will then see that we do not only demand something from it but that we offer something too.[441]

The sources analysed in this chapter show almost no traces of discussing the applications of extraterritorial autonomy models to Baltic provinces to protect nationalities other than Estonians, most importantly Russians and Germans, the biggest minorities. These models were discussed more broadly as a principle that should be implemented in Russia (and thus also including minorities in Estonia) or to protect Estonians in the interior of Russia. Nevertheless, protecting nationalities in the Baltic provinces was still an important component of the discourse but without references to the non-territorial model. For instance, Luts wrote in his work that one has to be accommodating (*vastutulelik*) towards the interests of the minorities in Estonia.[442]

However, the principle of applying extraterritorial autonomy in the Baltic provinces to protect other nationalities gradually entered the political discourse. One of the first instances, where this was more explicitly proposed for the specific Estonian territorial unit, was the programme of Estonian Social Democratic Workers' Party, adopted at the party congress in October 1917. This provision was still strongly connected with the Russian political discourse since the programme was a reworked programme of the Russian party (and not of the Swiss party as Mihkel Martna had proposed).[443] Nevertheless, the clause was the following:

> The constitution of the federation must protect the national-cultural rights and interests of ethnic minorities in the states against all kinds of suppression, injustice, and restrictions. Peoples or parts of them who are dispersed in several states as

[440] Luts, 15.
[441] Luts, 15–16.
[442] Luts, 7.
[443] "Esimene Eesti Sotsialdemokratlise Tööliste Partei kongress. II. Partei programm," *Sotsialdemokrat*, October 14, 1917.

> minorities must have the right to promote their national culture on the basis of the right of extraterritorial (personal) autonomy.[444]

6. Entangled ideas: inter-imperial networks, connections, contacts

Kruus, Briullova-Shaskol'skaia & Socialist-Revolutionary Party

Before writing his *Rahvusautonoomia* in 1917, Kruus had already been interested in the national question for years. In his memoirs, written in the 1970s, Kruus emphasized that he had familiarised himself with the ideas of the socialist-revolutionaries during his student years at the Tartu Teacher's Seminary and found the principles of national cultural autonomy and federalism sympathetic.[445] During the war years—he recollected—when he started working more intensively on the national question, he read works by Bauer and the minutes of the 1907 International Socialist Congress in Stuttgart.[446] Among other topics, the congress also discussed the question of migrant workers. For instance, Wilhelm Ellenbogen from Austria spoke about how work migration could uproot a nation and destroy its particular nature. At the same time, he stressed that the workers had the right and duty to preserve their own national culture and heritage.[447] Ideas like this must have resonated with young Kruus, who was familiar with the situation of Estonians who had settled in various parts of Russia. It probably also showed Kruus that the political left in Europe was dealing with the national question and offered a national theory. Not only his memoirs but also Kruus's texts on the national question published before the February Revolution demonstrate his keen interest in socialist and nationalist theories in Central and Eastern Europe,[448] and shows that he was already then familiar with Otto Bauer's ideas.[449]

The more immediate context of Kruus's account on non-territorial autonomy was the broader political situation in Russia. Kruus wrote his account very shortly after the Third Party Congress in Moscow mentioning that it had passed resolutions endorsing the non-territorial autonomy model and his texts has strong similarity with the ideas of Briullova-Shaskol'skaia.[450] As the beginning of this chapter showed, they both defended the extraterritorial autonomy model on

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[444] *Eesti Sotsialdemokratlise Tööliste Partei programm: wastu wõetud partei esimesel kongressil, 8.-11. okt. 1917. aastal* (Tallinn: Tööliste Kirjastuse Ühisus, 1917), 9.
[445] Hans Kruus, *Ajaratta uutes ringides: mälestusi 1907-1917* (Tallinn: Eesti Raamat, 1979), 56.
[446] Kruus, 145–46.
[447] *Internationaler Sozialisten-Kongress zu Stuttgart, 18. bis 24. August 1907* (Berlin: Buchhandlung Vorwärts, 1907), 61.
[448] Hans Kruus, "Poolakate rahvuslikuist püüetest. Ääremärkus Vene vägede Ülemjuhataja poolt poolakatele antud üleskutse puhul," *Sirvilauad 1915*, 1914, 31–38; Hans Kruus, "Saksa rahvuslus," *Vaba Sõna* 9/10 (1914); Hans Kruus, "Ajaloota rahvused," *Sirvilauad 1916*, 1915, 52–72; Hans Kruus, "Venemaa väikerahvaste poliitilised ülesanded," *Vaba Sõna* 1 (1916): 1–5.
[449] Hans Kruus, "Sotsialism ja rahvusküsimus," *Vaba Sõna* 6 (1915): 171–74; Hans Kruus, "Rahvuslik asimileerimine linnades," *Vaba Sõna* 3/4 (1915).
[450] Kruus, *Rahvusautonoomia*, 29.

the train and Briullova-Shaskol'skaia addressed the party congress and Kruus certainly listened to her talk.[451]

Despite never explicitly referring to her in his treatise, a close reading and contextualisation of Kruus's works demonstrates that Kruus analysed national autonomy in a similar way to Briullova-Shaskol'skaia. They both emphasised the shortcomings of pure territorial solution,[452] which would multiply the minorities question on a smaller scale. In addition to the main tenents of non-territorial autonomy model which both included in their writings,[453] Briullova-Shaskol'skaia occasionally focused on the Baltic context in her writings. For example, she wrote that Estonians and other nations did not demand an independent state (*samostoiatel'noe gosudarstvo*) but autonomy within the state (*avtonomiia vnutri gosudarstva*). She also argued that in the case of regions like Estonia together with Lithuania, Ukraine, Belorussia, Latvia, and the three regions of Caucasia (Armenian, Georgian, and Tartar), one could speak of national-territorial autonomy.[454] This may have demonstrated for Kruus that the Socialist-Revolutionaries did not only declare a broad and vague principle but were also aware of the specific cases and that they were willing to guarantee autonomy for Estonia. What also shows the similarity of these two authors is emphasising that the Jewish activists were the most important early promoters of the model.

Luts, Kulczycki and exchange across the borders of the empires

The broader intellectual framework of the Russian Empire was also important in Karl Luts's pamphlet on extraterritorial autonomy. Namely, Luts explicitly relied on the 1909 translations of Renner's and Bauer's book into Russian—the ones for which Ratner and Zhitlowsky had written prefaces.[455]

The third author, Ludwik Kulczycki (1866–1941) to whom Luts referred (but did not rely on much in terms of content), demonstrates, as I will show, the tangled path of non-territorial autonomy in Austria, Russia, and in the Baltics.[456] Kulczycki was a Polish socialist born in Warsaw,

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[451] Kruus mentions Briullova-Shaskolskaia only in his report on the congress and in his memoirs from years later, where he recalls discussing establishing a separate Estonian party with her. Furthermore, he adds that she was one of the most important theoreticians of the national question in the party and the biggest advocate of extraterritorial autonomy. See Hans Kruus, "Murdekuudel 1917-18. Mälestusi ühenduses G. Suitsuga," *Looming*, no. 9 (1933): 1026–41.

[452] Rabinovitch, *Jewish Rights*, 56 (quote); see also p. 67 and page 298n54; Jacobs, *On Socialists and "the Jewish Question" After Marx*, 139–40.

[453] Kruus, *Rahvusautonoomia*, 8, 13–14; Briullova-Shaskol'skaia, "Iz Doklada N.V. Briullovi-Shaskol'skoi 31 Maia 1917 g.," 150; Briullova-Shaskol'skaia, *Partiia sotsialistov-revoliutsionerov i natsional'nyi vopros*, 22–25.

[454] N. V. Briullova-Shaskol'skaia, *Kak zhit' mezhdu soboiu narodam Rossii?* (Petrograd: Izdanie soiuza soldat"-respublikantsev", 1917), 8; Briullova-Shaskol'skaia, *Partiia sotsialistov-revoliutsionerov i natsional'nyi vopros*, 21; Briullova-Shaskol'skaia, *Natsional'nyi vopros v Rossii*, 22–24.

[455] Luts, *Rahvusline ehk eksterritorialne*, 3.

[456] Luts, 3.

who was arrested and exiled to Siberia by the Russian authorities several times due to his political views. In 1899, he escaped and settled in the Habsburg Empire, and lived for a long time in Lviv, where he carried out his political and scholarly activities. Politically, he supported Polish independence but as a short-term goal advocated a federal union with Russia.[457]

Kulczycki dedicated one chapter of his 1906 book *Autonomia i federalizm w ustroju państw konstytucyjnych* on 'non-territorial national autonomy' (*autonomia narodowościowa nieterytoryalna*). Since the model proposed was strikingly different from the one proposed by Renner, the following paragraphs will give a brief overview of his project.

Kulczycki's analysis started with the statement that modernisation and capitalist development encouraged migration, which resulted in ethnically mixed territories where pure ethno-territorial autonomy was not befitting to administer national affairs. The suitable model in such a situation was a non-territorial national autonomy which would complement the territorial one.[458]

The structure of autonomy that Kulczycki proposed was tripartite. First, in nationally mixed municipalities, districts, and provinces, funds for educational and scientific institutions would be distributed to the nationalities who would have the autonomous right to decide over their usage in the institutions in their language. Second, in the administration of mixed territories, the majority and bigger minorities would be able to communicate with the authorities in their mother tongue. The third pillar was the possibility for scattered nationalities to form associations with their national parliaments (*sejm*) and impose compulsory taxation on these who are voluntarily registered with the association.[459] These national associations (*związki narodowe*) would elect their own national parliament, which would be the building blocks of the upper chamber of the state parliament.[460]

Kulczycki's approach, however, was more territorial than Renner's and Bauer's as he stressed more strongly that each nationality would have their home province. Provinces like these, where the bigger nationality had a majority in the provincial parliament, would also bear the character of the national assembly. Furthermore, nationalities who lived outside their home province would have a right to send delegates to the parliament of their home province, but these delegates would only deal with national affairs. Delegates of an ethnic minority in the parliament

[457] Kowalska, "Kulczycki, Ludwik (1866-1941), Soziologe und Politiker," in *ÖBL 1815-1950, Bd. 4*, 1968, 340, https://www.biographien.ac.at/oebl/oebl_K/Kulczycki_Ludwik_1866_1941.xml; Michal Kasprzak, "Nationalism and Internationalism: Theory and Practice of Marxist Nationality Policy from Marx and Engels to Lenin and the Communist Workers' Party of Poland" (PhD thesis, Toronto, University of Toronto, 2012), 216–17.
[458] Ludwik Kulczycki, *Autonomia i federalizm w ustroju państw konstytucyjnych* (Polskie Tow. Nakładowe, 1906), 167–68.
[459] Kulczycki, 169.
[460] Kulczycki, 170–71.

of the province where they reside would focus only on general issues but not on the affairs of the respective nationality. With the assistance of their home province, the minority could establish the institutions of their nationality in the province where they reside.[461]

What makes Kulczyski's model even more complex is that he deliberated on the possibility that there would be more than one national union. Being a socialist, Kulczycki wrote that a more suitable solution for a modern class society would be national-partisan associations formed on the basis of social class—for instance, one for the Polish bourgeoisie and another for the Polish working-class.[462]

Ludwik Kulczycki's work is part of the broader discourse over non-territorial autonomy because he referred to Renner but stressed that he developed his ideas of non-territorial autonomy independently from Renner. Kulczycki stressed that only later, after lectures at the Adam Mickiewicz University in Krakow, did he learn about Renner's book on the nationalities question in Austria.[463] Kulczycki's work on autonomy and federalism was initially written in Polish and published in Lviv, but a Russian translation by A. Tamkin was published a year later in Moscow.[464] This edition was the one that Karl Luts had read. Kulczycki concluded his chapter on non-territorial autonomy by writing that this model would be particularly important for Poles, many of whom lived in other parts of Russia than the Kingdom of Poland.[465] He later wrote extensively on Polish-Ruthenian relations in Polish-dominated Galicia and favoured a compromise by drafting his reform proposal of the Galician Diet.[466] This, in turn, was part of a broader debate that resulted in a compromise in 1914, one of the experiments of non-territorial autonomy in the Habsburg empire.[467] In this regard, standing between two worlds, the Romanov and Habsburg empires, and being read by an Estonian national activist, Kulczycki represents an inter-imperial transfer of ideas.

Furthermore, the translation and Luts's work demonstrate how via cultural exchange and translations, new words emerged to express the idea. Bauer and Renner mainly used the term "*nationale Autonomie*" and "*personale Autonomie*." However, in Russian discourse, "extraterritorial autonomy"—a term that was mostly known from international and consular law[468]—became the

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461 Kulczycki, 171–72.
462 Kulczycki, 171–72.
463 Kulczycki, 173. A detailed analysis of Kulczycki's ideas would need a separate study.
464 Ludvig Kul'chitskii, *Avtonomiia i federatsiia v sovremennykh konstitutsionnykh gosudarstvakh*, trans. A. Patkin (Moskva: Izdanie Petrovskoi Biblioteki v Moskve, 1907).
465 Kulczycki, *Autonomia i federalizm*, 173.
466 Ludwik Kulczycki, *Ugoda polsko-ruska* (Lwow, 1912); Ludwik Kulczycki, *Bankructwo Narodowej Demokracji w Galicji na tle obecnej sytuacji politycznej* (Lwow, 1911).
467 Kuzmany, "Nationale Aushandlungsprozesse in der späten Habsburgermonarchie am Beispiel des Galizischen Ausgleichs von 1914."
468 See e.g. Alfons Baron Heyking, *L'Extraterritorialité* (Berlin: Puttkammer & Mühlbrecht, 1889); Francis Taylor Piggott, *Exterritoriality: The Law Relating to Consular Jurisdiction and to Residence in Oriental Countries* (Hong Kong-London: Kelly & Walsh-Butterworth, 1907).

main word. This wording in the non-territorial autonomy debates emerged via translations. For instance, Ludwik Kulczycki used in his 1906 Polish book the wording *autonomia narodowościowa nieterytoryalna* ("non-territorial national autonomy") whereas the Russian translation by A. Patkin from 1907—the one that Luts read—translated it as *eksterritorial'naia natsional'naia avtonomiia* ("extraterritorial national autonomy").[469] Both Luts and Kruus used the phrase: "*eksterritoriaalne autonoomia*."

Cooperation between nations and networks: the Congress of the Nationalities of Russia in September 1917 in Kyiv

The Congress of the Nationalities of Russia which convened in Kyiv in September 1917 is another event showing the broad circulation of the idea of non-territorial autonomy. The first chapter of this study gave an overview of the congress and the decisions taken. The congress is important in the Estonian context since many studies into the Estonian cultural autonomy law of 1925 stress the fact that the Estonian representatives attended the congress and were later involved in preparing the law on cultural autonomy.[470] A closer look into the Estonian participants of the congress and media coverage shows that this congress represents one event during the intensive months in summer-autumn 1917 when non-territorial autonomy was discussed with a particular intensity. Via media coverage, the event further helped to circulate the model and demonstrated that there was a broad support for territorial and non-territorial autonomy among the nationalities of Russia. In the Estonian context, by the time the congress met in Kyiv, Kruus had already published his article series on non-territorial autonomy and the last section of Luts's article series was published on the same day when the congress started it work.

Anna Veronika Wendland has discussed how a variety of organisations (e.g. academies, societies) and their platforms of communication (e.g. congresses) have contributed to the transfer of ideas and catalysed trans-border communication.[471] Furthermore, looking into forums of collaboration of different nationalities in Russia helps to get a more diverse understanding rather than focusing on the bilateral relation with the imperial power centre.[472]

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469 Kulczycki, *Autonomia i federalizm*, 168; cf Kul'chitskii, *Avtonomiia i federatsiia*, 125. My emphasis.
470 See e.g. Aun, *Der völkerrechtliche Schutz*, 20; Aun, "Vähemusrahvuste kultuurautonoomia," 62–63; Kaido Laurits, *Saksa kultuuromavalitsus*, 45; Smith and Hiden, *Ethnic Diversity*, 16; David J. Smith, "Across the Lines: National Self-Determination in the Baltic between the Russian, German and Allied Conceptions," *Acta Historica Universitatis Klaipedensis* 31, no. 0 (December 15, 2015): 163–64.
471 Wendland, "Cultural Transfer," 49–50.
472 Karsten Brüggemann, "Baltic History after 24 February 2022 - The Charm of Transnational Peripheries?," *Zeitschrift für Ostmitteleuropa-Forschung* 71, no. 3 (September 29, 2022): 423–32.

Estonian politicians had been active in St. Petersburg in political circles advocating autonomy and federalism. They participated in the congress of autonomists-federalists, organised by Baudouin de Courtenay and Jabotinsky.[473] Estonian Duma delegates were members of the autonomists-federalists group, or the caucus of autonomists which discussed different forms of autonomy, both territorial and non-territorial.[474] Tallinn's underground circle of autonomists had its broader connections. Contemporaries have pointed out that Vilms was in contact with secret Russian Masonic circles in St. Petersburg which united in a broad anti-tsarist faction whose programme included autonomy for ethnic minorities.[475] This could be the Supreme Council of Peoples of Russia, which had lodges in St. Petersburg, Moscow, and Kyiv, as well as in in other cities, and whose aim was to overthrow the tsarist regime and turn Russia into a democratic republic.[476] Further research, however, is needed into these circles, their political agenda, and connections, including with the caucus of autonomists.

This collaboration continued in 1917 when Estonains participated in meetings which eventually led to the Kyiv congress. In April 1917, they co-organised a meeting of autonomists-federalists in the Finnish school of St. Petersburg, bringing together Estonians, Ukrainians, Poles, Finns, Latvians, and Georgians. Estonians were represented among others by Jaan Tõnisson and Karl Luts. The meeting stressed the importance of both models, national-territorial federalism and extraterritorial autonomy arrangements. The convened activists agreed that there was need for a further collaboration and decided to eventually convene a congress of peoples of Russia (*muurahwaste kongress*).[477] A further meeting in June decided that this major congress would take place in August. This time, Jüri Vilms was among the Estonian participants and Karl Luts was a member of the organising committee.[478] The main principles of the autonomist-federalist league in Petrograd included support for the right of self-determination, a demqand to establish a ministry of nationalities, the importance of both an All-Russian but also national constitutional assemblies. Furthermore, the short statute included the demand for "the right for free cultural development and self-government for different parts of Russia and its nations."[479]

When the congress convened in Kyiv in September, four Estonian delegates, elected by the Estonian Provincial Diet and various civic organisations, participated in the congress: Karl

[473] Eduard Laaman, *Eesti iseseisvuse sünd*, 39.
[474] On the caucus of Autonomists see e.g. Semyonov, "Real And Live Ethnographic Map."
[475] EKM EKLA F 210: 3: 13, p. 1-2.
[476] On the masonic circles see: Tsuyoshi Hasegawa, *The February Revolution, Petrograd, 1917: The End of the Tsarist Regime and the Birth of Dual Power* (Leiden: Brill, 2017), 179–84.
[477] -a, "Autonomistide-föderalistide koosolek," *Pealinna Teataja*, April 12, 1917; "Autonomistide-föderalistide koosolek Petrogradis," *Postimees*, April 15, 1917; Laaman, *Eesti iseseisvuse sünd*, 121.
[478] Jüri Vilms, "Wenemaa rahwuste konverents," *Päewaleht*, June 14, 1917.
[479] "Autonomistide-föderalistide liidu platwormi eelnõu," *Wabadus*, June 7, 1917; Laaman, *Eesti iseseisvuse sünd*, 121–22.

Ast-Rumor, Otto Strandman, Ado Birk, and Anton Jürgenstein.[480] The Provincial Diet had not given any specific instructions to the delegation. The guidelines they received from the Committee of Elders (*Vanematekogu*) only gave vague instructions to bring back as much information as possible, establish contacts with other nationalities, and support all declarations regarding federation.[481] Johannes Semper, an Estonian Socialist-Revolutionary, participated in the follow-up Council of Nations meeting in October.[482]

The Kyiv meeting was widely covered in the newspapers of the nationalities of Russia, including the Estonian press.[483] Ast and Jürgenstein both published reports covering the discussions and practical side of the congress that extended over several issues in their respective party newspapers: Ast in the *Sotsialdemokrat* and Jürgenstein in the *Postimees*. The *Sotsialdemokrat* published Ast's speech. The resolutions of the congress were translated into Estonian and published in a variety of newspapers: in the national-liberal *Postimees*, published in Tartu, in the *Sotsialdemokrat* and *Tallinna Teataja* published in Tallinn, and in the *Sakala,*[484] published in Viljandi. The resolutions were also published in Estonian newspapers outside the Estonian Governorate: in the *Wabadus*, published in Petrograd, and the *Soomemaa Eesti Sõjaväelaste Liidu Teataja*, published in Vyborg.[485] The same counts for Russian media as several Tallinn-based newspapers such as the *Revel'skaia Mysl'*, *Revel'skoe Slovo*, and *Nashe Slovo* reported on the congress in article series spreading over several issues.[486] It was not only covered in media but the political decision-making circles were part of this circulation: the official resolutions passed at the congress arrived at the Estonian Provisional Government (*Eesti Ajutine Maavalitsus*)[487] and Estonian participants themselves were active in political life.

In the Estonian context, the congress represented an effort to democratise and federalise Russia bottom-up in collaboration with the other nationalities. Support for this is exemplified by Karl Ast's address to the congress on behalf of the Estonian delegation which he concluded by

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480 *Maanõukogu protokollid: 1917-1919: 1. koosolekust 1. juulil 1917 78. koosolekuni 6. veebruaril 1919* (Tallinn: R. Tohver, 1935), 83, 88, 139–40; Karl Ast-Rumor, "Rahwuste kongressil," *Wabadus*, September 21, 1917; Anton Jürgenstein, *Minu mälestused. I-II* (Tallinn: Eesti Päevaleht-Akadeemia, 2011), 306. ERA.5150.1.850, p. 10; ERA.78.1.49, p. 33. Jaan Tõnisson, Ants Piip and Jaan Kärner were also initially elected to participate in the congress but they never made it to Kyiv. It is not known whether the Estonian Jews, Germans, or Swedes were informed or invited to the congress, although Hans Pöhl, one of the leaders of the Estonian Swedes, was also present at the Estonian Provincial Diet meetings that discussed the delegation. .

481 Karl Ast *Mälestused iseseisvuse võitluspäevilt. I köide*, 78–79.

482 See his report: Semper, "Wäikerahwad. Rahwaste Nõukogu esimene istumisjärk Kiiewis 24-28 okt," *Eesti Sõjamees,* November 8, 11 & 18, 1917.

483 On Latvian reception see: Ezergailis, "Latvian Liberals."

484 "Wäikerahwaste kongressi resolutsionid," *Sakala*, February 10, 1917; "Wäikerahwaste kongressi resolutsionid," *Sakala*, April 10, 1917.

485 "Väikerahvad. Väikerahvaste kongressi resolutsionid," *Soomemaa Eesti Sõjaväelaste Liidu Teataja*, September 29, 1917.

486 "Z"ezd narodov," *Revel'skoe slovo*, September 15 & 20, 1917; "Z"ezd narodov," *Revel'skaia mysl'*, September 14 & 20, 1917; "Na z"ezde narodnostei," *Revel'skaia mysl'*, September 13, 1917.

487 Rezoliutsii, 08.-15.09.1917, ERA.4419.1.1, pp. 20-26.

declaring: "our duty is to say to Russian democracy openly and firmly: Russia cannot belong only to Russians, but also to the peoples of Russia, that means to all the nationalities that live within the borders of Russia."[488] In his report in *Postimees*, Anton Jürgenstein expressed similar ideas and summarised: "Each nation must become a master in its house and all have to give some of its rights voluntarily to the broader Russia to become one and powerful family of nations."[489] Also an opinion piece by Julius Seljamaa, a St. Petersburg-trained lawyer, journalist, and member of the Estonian Provincial Diet, exemplifies this overarching consensus. He strongly endorsed the decisions taken in Kyiv and found that the only possible structure for a future Russia is "*a union of national-territorial units* [*rahwusliste maaosade liit*]." He wrote that, amid the chaos, the "Great Russians" were morally too weak to lead the renewal of Russia. The only way to salvage Russia from collapse was to have non-Russian nations unite for the common goal to save and reform Russia.[490]

The national-territorial structure of a reformed Russia and an understanding of some form of territorial homeland was the central element in this train of ideas. The metaphors used, such as being "a master in one's house," show how deeply rooted this thinking was. It was foremost this goal that the activists wanted to guarantee constitutionally and non-territorial autonomy had become a vital adjoining element in this broader vision.

Due to the centrality of the idea of a national-territorial federation, some activists were reluctant to bring non-territorial autonomy demands to the foreground as it would have possibly blurred the agenda or complicated the political fight. Otto Strandmann's thinking reflects this strand of scepticism. He was one of the Estonian participants and a decade later commented on proposals for extraterritorial autonomy at the Kyiv congress of 1917: "At that time it appeared to all of us that extraterritorial autonomy is nonsense, but now that we have given it to our national minorities and we see that it is not that bad."[491]

Thus, the national-territorial model up to full independence was at the foreground of political activism in the last months of 1917 in the western parts of Russia. Since a national-territorial autonomy had been the main goal for Estonian activism, non-territorial autonomy became less present in the political fight when the Bolsheviks took power and Estonian Bolsheviks hindered the peaceful work of the organs of the autonomous Estonian Governorate. Instead, against the background of the dissatisfactory nationalities policy of the Provisional Government, Estonian and Latvian national activists had started to look towards Kyiv and Ukraine as a model.[492]

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[488] Karl Ast-Rumor, "Eestlaste terwitus rahwaste kongressil [Kiievis]," *Sotsialdemokrat*, September 21, 1917; Graf, *Eesti rahvusriik*, 163.
[489] Anton Jürgenstein, "Rahwuste kongressilt Kiiewist," *Postimees*, September 18, 19, 22, 23 & 26, 1917.
[490] Julius Seljamaa, "Föderalismi poole," *Wabadus*, September 24, 1917. Author's emphasis.
[491] *Mälestused iseseisvuse võitluspäevilt. I köide*, 12–13.
[492] Kalmo, "Enesemääramise saatuslik tund," 188.

Already at the Estonian National Congress in July 1917, a representative from the Ukrainian *Hromada* in Tallinn addressed the meeting and spoke about the experience of achieving Ukrainian autonomy and expressed his doubts concerning the possibility of cooperation with Great Russians in achieving a federation of nations. His speech was welcomed with ovations.[493]

One of the resolutions of the Kyiv Congress called for establishing not only one all-Russian constituent assembly but also separate constituent assemblies for each nation of Russia. Only two weeks later, at the meeting of the Estonian Provincial Council (*Eesti Maanõukogu*), based on the proposal of Jaan Tõnisson, the Estonian national activists decided to convene the Estonian Constituent Assembly.[494]

Less than two months later, at the November 15 meeting, the Estonian Provincial Council passed a resolution proposed by Jaan Tõnisson which declared the council the only sovereign legal authority in Estonia until the convocation of the Russian Constituent Assembly. The same meeting unanimously supported Vilms's proposal to congratulate the General Secretariat of Ukraine for declaring itself the sovereign authority in Ukraine and proclaiming the Ukrainian People's Republic.[495] However, although the national-territorial model was in the foreground and ultimately transformed into secessionism, the non-territorial autonomy model remained an important part of the larger package of ideas with which the main political activists operated. As the following part will show, although the Estonian national activists declared Estonian independence in February 1918, this was coupled with the promise for non-territorial autonomy for minorities within independent Estonia.

7. Accepting and rejecting non-territorial autonomy and including it in the Independence Manifesto

The previous parts of this sub-chapter demonstrated how politicians and activists, mainly associated with the Left, theoretically discussed the idea of cultural autonomy. The following part will trace some of the instances where the cultural autonomy model was discussed at bigger and more practical political forums: party meetings, political congresses, and elected bodies.

Some studies have argued that during the debates which preceded Estonian independence, the assumption that national minorities in Estonia would be granted cultural autonomy became "inherent" in the thinking of national elites.[496] The following part shows that it is a more

[493] "Rahwuskongress Tallinnas," *Postimees*, July 7 & 8, 1917.
[494] Ezergailis, "Latvian Liberals"; Kalmo, "Enesemääramise saatuslik tund," 188–89.
[495] *Maanõukogu protokollid*, 273–75.
[496] Piirimäe, "Federalism in the Baltic," 251; Smith, "Across the Lines," 163.

complicated story of acceptance *and rejection*. While the idea as such found wide support, politicians were often sceptical about its practical applicability. The final part of this sub-chapter offers a closer overview of how, against the background of wider political events in Russia when secessionism took ground and the Estonian nation-state project faced ethnic diversity, this well-known idea was picked up and included into the Independence Manifesto.

In summer 1917, Kruus's ideas for non-territorial autonomy were overshadowed by Vilms's scepticism. Between June 18 and 21, 1917, the First Estonian Congress of Soldiers convened in Tallinn, elected by around 50,000 Estonian soldiers. On the third day, Kruus talked in his speech that one cannot rely solely on ideas that are easy to implement, arguing that political practice without a proper theory is "like a horse carrying a load without a coachman." The model he proposed was the one the previous sub-chapter explored: a federation complemented with extraterritorial autonomy, since none of the *Bundesländer* would consist of one nation only.[497]

Jüri Vilms addressed the congress right after Kruus. Distinguishing four forms of self-determination to accommodate the interests of nations, namely self-government, autonomy, independent state, and federation, he favoured the last model. Having analysed extraterritorial national autonomy—this may have been the only instance where Vilms explicitly focused on this model—he rejected it. However, he did not reject the model as such, but found that this complex and novel autonomy model is unlikely to be implemented in the near future in Russia:

> Of course, extraterritorial national autonomy is in principle perferct in theory, but does not exist [in practice] anywhere in the world and that is why there is no hope to implement it in Russia now. But if territorial autonomy on the basis of federalism is secured, extraterritorial autonomy can more easily evolve step by step to complement it. [498]

Instead of Kruus's proposal, the congress decided to support a joint resolution proposal by Konstantin Päts and Jüri Vilms, which demanded a federal Russian republic with an Estonian *Bundesland*. The resolution did not include any references to extraterritorial autonomy.[499]

Vilms's approach managed to win the support of the delegates. This newly-achieved Estonian territorial autonomy was not yet a constitutionally-guaranteed stable autonomy but an arrangement that had been achieved specifically for Estonia as a result of negotiations. Amid the context of Russian renewal, the immediate goal was to gain constitutional backing for this

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497 "Eesti sõjawäeliste kongress," *Päewaleht*, June 22, 1917.
498 "Eesti sõjawäeliste kongress."
499 "Eesti sõjameeste kongress," *Tallinna Teataja*, 23. juuni 1917; "Eesti sõjawäeliste kongress. Resolutsion omawalitsuse kohta," *Päewaleht*, June 23, 1917; c.f. Jüri Kivimäe, "Hans Kruus tormisel aastal 1917," in *Õpetatud Eesti Seltsi Aastaraamat 2017*, 2018, 126–27.

federation of nations. It was far from certain that the All-Russian Constituent Assembly—which the Russian Provisional Government considered as a body to decide on such matters—would ultimately agree that the new unit would be one of the constitutive units of a renewed Russian Federation. In the eyes of Estonian activists, a complicated and novel political model with little implementation experience could have undermined the goal of a federation and made political tactics more complicated.

Although Kruus did not manage to win broader support for his ideas, he managed to convince Estonian Socialist-Revolutionaries. In September, the congress of the Estonian sections of the Socialist-Revolutionary Party convened in Tartu and decided to establish an independent Estonian Socialist-Revolutionary Party. Kruus, like he had done on several occasions at other similar political events, gave a speech on national autonomy, covering the main points as described above.

His talk provoked hefty discussions. The main concerns were about the novelty and complexity of the non-territorial autonomy model. Participants raised issues such as the necessity of a clear definition of autonomy and federation, a clear demand for an Estonian federal unit, and clarity in the powers and relationship between territorial and non-territorial institutions of a nation. Some delegates questioned the practical aspects of establishing a federation via a Russian Constituent Assembly.[500]

However, the congress eventually passed a resolution with the exact wording that Hans Kruus proposed:

> In the national question, sticking to our previous position and agreeing with the decisions of the Third Congress of the Russian S.-R. Party on that question, the Third Congress of the Estonian S.-R. Party demands: 1) Estonia must become an autonomous *Bundesland* that would be linked with Russia based on federal principles; 2) Since a large part of the Estonian nation was forced to settle from their homeland to Russia and does not benefit from the establishment of a federation, the congress demands, for the sake of the resettled Estonians and the general rapid development of Estonian culture, that all Estonians living in Russia should be united into one national body on an autonomous basis so that they will constitute a unified Estonian nation, which can independently develop its national-cultural tasks and have its own legislative and executive bodies, both on the federal and local levels.[501]

Another instance of rejecting non-territorial principles on practical grounds comes from a meeting of the Estonian Provincial Diet on October 2, 1917, which prepared to organise the elections. This included the question of electoral districts. Hans Pöhl and Kaarel Parts proposed that the

[500] "Sotsial-Rewolutsionäride partei Eesti Osakondade II. kongress Tartus."
[501] "Sots.-Rew. Partei Eesti Osakondade 2-ne kongress," *Töö Lipp*, September 26, 1917.

territorially compact nationalities in Estonia—the Swedes at the western shore, and the Russians on Lake Peipus—should have separate electoral districts. Konstantin Päts opposed Pöhl's proposal, with the argument that it would make the electoral system too complicated. Delegate Juhan Mihkel Ainson asked if Estonian settlers living outside the Estonian Governorate should also be able to send their delegates. This proposal was rejected on legal grounds. In legal terms, it was indeed impossible: this kind of extraterritorial autonomy cannot be introduced by one autonomous unit of Russia only, since it would need to be introduced (in the constitution) by the Russian Constituent Assembly.[502]

The final months of 1917 and the beginning of 1918 were characterized by the gradual development of consensus on full independence as all major Estonian political circles except the Bolsheviks started to support secession. In this context, during the final months of 1917 and at the beginning of 1918, cultural autonomy became less of a theoretical topic as it had been a few months ago. Instead, it turned into a political principle of a more practical nature and was included in different official documents. Instead of a concept to be applied across Russia, it became a model to be applied within Estonia only. Also, territorial solutions up to full independence, which had been discussed earlier, were now brought to the foreground.

A good example is again the Estonian Socialist-Revolutionary Party. The Third Congress of the Estonian Socialist-Revolutionary Party, held between December 10–11 (23–24), 1917, in Tallinn, was still divided about the question of independence. Kruus belonged to the left wing of the party, which supported recognizing Soviet power and cooperation with the Bolsheviks. However, by the end of December Kruus and his party started to support the idea of secession.[503]

Gustav Suits, an Estonian poet and Socialist-Revolutionary who had lived in Helsinki since 1905, started advocating a separate state in the form of an Estonian-Finnish union.[504] In the end of 1917 in Helsinki, Suits wrote a memorandum entitled *The Estonian Labour Republic* (*Eesti tööwabariik*).[505] The piece was written on behalf of the Estonian Socialist-Revolutionary Party against the background of peace negotiations in Brest and approaching imperial German forces. In this context, the question of the Estonian territories became an international question. The memorandum was published on January 5, 1918, and proposed, based on the principle of the free

[502] "Maapäewalt," *Päewaleht*, March 10, 1917; "Maapäewalt," *Sakala*, June 10, 1917; *Maanõukogu protokollid*, protokoll nr 46, 184-187; 226.
[503] Kivimäe, *Rektor Hans Kruus*, 30; Graf, *Eesti rahvusriik*, 208.
[504] For his first published text on the topic see: Gustav Suits, "Soome-Eesti union," *Eesti. Seltside, sõjameeste ja asunduste häälekandja*, December 13, 1917; also published in: Gustav Suits, "Soome-Eesti Unioon [1917]," in *Vabaduse Väraval* (Tartu: Ilmamaa, 2002), 78–80.
[505] Gustav Suits, *Eesti Tööwabariik: Eesti Sotsialistide-Rewolutsionääride Partei märgukiri Eesti iseseiswuse küsimuses* (Tallinnas: Töö ja Võitlus, 1918).

self-determination of nationalities, that Estonia must become an independent and neutral workers' republic and eventually a dual-republic (*kaksikvabariik*) or union with Finland.[506]

The project also included provisions for non-territorial autonomy. Article 8 of the project declared that "the right to national-cultural autonomy [*rahvuskultuurilise autonoomia õigused*] for national minorities of the Republic of Estonia (Russians, Germans, Swedes and others) have to be secured in the peace treaty [*rahutraktaadis*]. Likewise, the national-cultural autonomy rights for the Estonian minority in the Russian Republic [must also be secured]."[507] This was one of the first instances when this principle, in theoretical texts, was proposed for an Estonian political entity separate from Russia. Mainly because of the demand for cultural autonomy, Jaan Undusk has regarded Suits's project as a direct precursor to the later Independence Manifesto.[508]

Due to a lack of sources, it is difficult to answer how Suits's ideas developed and why he decided to include this provision into the memorandum. He was not a particularly prolific writer on political topics at that time, and this petition was probably the only passage from his textual corpus devoted to the issue. It is likely that he picked up this widely circulating idea from ongoing political debates, personal connections, or the Socialist-Revolutionary Party circles, since he often attended party meetings, including the one in Tartu in September 1917 analysed above, where this autonomy model was discussed. Kruus and Suits presented this project at various political meetings in order to find backing for it. On November 24, 1917, Suits presented his ideas to the Committee of the Elders of the Estonian Provincial Assembly.[509] They also presented it at the Bolshevik-dominated Estonian Congress of Agricultural Workers on January 5–6, 1918, and at the Second Congress of Estonian Soldiers on January 7–13, 1918, in Tallinn. While they found support among other parties, the Bolsheviks opposed secession.[510]

After the Bolsheviks had taken power, however, political sentiment moved towards secessionism. Representatives of Estonian parties and the Council of Elders of the Estonian Provincial Assembly agreed upon pursuing independence in mid-January 1918. Against the backdrop of the broader consensus of declaring Estonia independent, the Council of Elders decided to send delegates to Germany, Scandinavia, Paris, and London to find recognition for Estonian independence and spread a memorandum addressing the issue.[511] Among other topics, the memorandum also promised to protect national minorities: "The democratic republic of

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506 Undusk, "Iseseisvusmanifesti intertekstuaalsus," 37–49; Graf, *Eesti rahvusriik*, 208–9.
507 Suits, *Eesti Tööwabariik*, 14–15.
508 Undusk, "Iseseisvusmanifesti intertekstuaalsus," 46; Pajur, "Die Geburt des estnischen Unabhängigkeitsmanifests 1918," 141–42.
509 Graf, *Eesti rahvusriik*, 206.
510 Graf, *Poliitilised parteid Eestis 1917-1920*, 182–83; Kivimäe, *Rektor Hans Kruus*, 30.
511 Mart Kuldkepp, "Intriigid, provokatsioonid ja iseseisvuse sünd: Eesti välisdelegatsioon ja Aleksander Keskküla," *Ajalooline Ajakiri*, no. 3 (145) (2013): 329–30.

Estonia has to give its minority nationals (Russians, Germans, Swedes, Jews, and others) complete autonomy in their national-cultural affairs."[512] The memorandum was drafted by Kaarel Robert Pusta, Ferdinand Kull, and Ants Piip under the supervision of Jaan Poska. It was the first official document by Estonian authorities that declared national-cultural autonomy. The memorandum symbolises the end of one phase and the start of another in the discourse and the political role of the non-territorial autonomy model: cultural autonomy ceased to be merely a political concept debated at meetings and in newspapers without any backing by authorities. Together with the shift to advocating independence, it now found its place in the official documents of Estonian authorities, even if it was initially designed for a foreign audience.

At the beginning of 1918, a broad consensus (excluding the Estonian Bolsheviks) had developed among the Estonian political elite on the necessity of declaring Estonia independent to avoid a forceful unification of Estonia with Germany.[513] The Bolsheviks, through the Executive Committee of the Estonian Soviets, issued a degree that made convening the Estonian Constituent Assembly impossible and started to persecute the proponents of independence.[514] Since official means of achieving independence were now impossible, Tallinn's Estonian Club of Intelligentsia became the core of the independence movement. At one of their meetings in February, attended by Jüri Jaakson, Juhan Kukk, Victor Neggo, Konstantin Päts, Jaan Raamot, Karl Saral, and Jüri Vilms, they decided to declare Estonia independent via "revolutionary methods," and compiled a manifesto which would be announced in public.[515]

The exact authorship of the Estonian Independence Manifesto is unclear. It was a collective effort, written in several steps. Its authors were closely connected with Tallinn's Estonian Club of Intelligentsia and its underground autonomists. Vilms is often mentioned as one of the authors.[516] Juhan Kukk, another author, stressed that many of the principles that were included in the manifesto had been discussed in the circle of autonomists. In connection to this, he explicitly stressed that Vilms, relying on Bauer, presented the issue of national minorities in Austria.[517]

The Independence Manifesto declared Estonia an independent democratic republic. Furthermore, it stated the foundational principles of the state, such as guaranteeing basic civil freedoms, and the equality of all citizens irrespective of their ethnic belonging, political or religious

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[512] Ants Piip, *Tormine aasta: ülevaade Eesti välispoliitika esiajast 1917.-1918. aastal dokumentides ja mälestusis* (Stockholm: Vaba Eesti, 1966), 96–98; See also (quoted in): Piirimäe, "Federalism in the Baltic," 251; Laurits, *Saksa Kultuuromavalitsus*, 46; ERA.957.11.10, p. 3.

[513] Kalmo, "Enesemääramise saatuslik tund," 225.

[514] On Soviets see: Olavi Arens, "Soviets in Estonia 1917-1918," in *Die baltischen Provinzen Russlands zwischen den Revolutionen von 1905 und 1917*, ed. Andrew Ezergailis and Gert von Pistohlkors (Köln-Wien: Böhlau, 1982).

[515] Ago Pajur, "Iseseisvusmanifesti sünnilugu," in *Iseseisvusmanifest. Artikleid, dokumente, mälestusi*, ed. Tõnu Tannberg and Ago Pajur (Tartu: Rahvusarhiiv, 2014), 53–63.

[516] Pajur, 64–66.

[517] J Kukk, "Mälestusi Jüri Vilmsist," in *Jüri Vilms mälestustes*, ed. Hando Runnel (Tartu: Ilmamaa, 1998), 442.

beliefs. The document conveyed a strong awareness of ethnic diversity as it was addressed to "all peoples of Estonia." Furthermore, as the prominent second point on the list of seven fundamental principles of the Republic of Estonia, it promised cultural autonomy for ethnic minorities: "All ethnic minorities, the Russians, Germans, Swedes, Jews, and others residing within the borders of the republic, shall be guaranteed the right to their national-cultural autonomy."[518]

The declaration was written hastily in a rapidly evolving political setting and it was not the place to coin radically new ideas. In terms of minority protection, it included a model that had been intensively discussed during the preceding months, and the circle which wrote the manifesto had been personally involved in these discussions.[519] In many points, the declaration relied on two documents mentioned earlier, the memorandum by Gustav Suits and the memorandum prepared for the delegation, both of which included promises for cultural autonomy.[520] In this context, cultural autonomy was a known solution (although not universally supported) to many of the challenges that the new nation-state faced, starting from legitimising itself to the minorities to finding recognition in the international arena.

Drawing on the discussion over the possibility of defining non-territorial autonomy in the introductory chapter of this study, the promise included in the Independence Manifesto was not entirely the same project that Estonian activists had proposed a couple of months earlier. In earlier debates, this was proposed for a vast multi-ethnic federal state, mainly with the goal of protecting fellow Estonians outside the Estonian territorial homeland. As such, it was an adjoining element to the territorial approach. In 1918, it was no longer an adjoining element to national-territorial units of the same state: it was now to be applied within a nation-state itself. An earlier state vision was to implement it in a state of nationalities where, as several activists proposed, there would be no politically dominant nation, whereas the new system developed within a nation-state with a dominant (Estonian) national majority. Thus, by declaring the introduction of this model in an Estonian nation-state, it was essentially a minority protection model, "minority" here meaning not only the numerical status but also the (conceptual) status of a minority within a nation-state with a dominant state-nation.

Nevertheless, the Independence Manifesto clearly promised a non-territorial autonomy model which was discursively connected and emerged from these earlier debates. Not only do the circle of authors and the connection with Suits's project show this connection but also the words that the authors employed in the document. In earlier debates, activists often used the term

[518] "Manifest kõigile Eestimaa rahwastele," *Riigi Teataja*, no. 1 (November 27, 1918): 1–2.
[519] On a more general level, Karl Aun has argued that Estonian minority rights legislation was rooted in the ideas of 1917. See Aun, *Der völkerrechtliche Schutz*, 33, 50; Aun, "On the Spirit."
[520] Pajur, "Iseseisvusmanifesti sünnilugu," 67.

"national-cultural autonomy (*rahvuskultuuriline/rahvuskultuuraline autonoomia*)" to describe the non-territorial autonomy model. This was a common term to be found in newspaper accounts but also Kruus used this wording in his study.[521] It is exactly this choice of words that the authors of the Independence Manifesto opted for when they declared that minorities will have "the right to their national-cultural autonomy (*rahvuskulturilised autonomia õigused*)."

The declaration, including minority rights, was initially only words on paper. By the time of declaration, some parts of Estonia were already under the control of Imperial German forces and Tallinn was occupied only a day after declaring independence. In subsequent years, peaceful domestic policy was not only hindered by the occupation, but also by the Soviet invasion which started only weeks after the formal end of the German occupation in November 1918 and lasted until the beginning of 1920.

Nevertheless, as the principle of nation-states became broadly accepted in the international arena, and as Estonia managed to secure its independence, this document became increasingly important. During the debates in the Estonian Constituent Assembly, Baltic German proponents of cultural autonomy referred back to the Independence Manifesto to argue for the inclusion of the promise of cultural autonomy in the Constitution. Furthermore, in the campaign for autonomy, the German minority initially tried to establish cultural autonomy even before the special law.[522]

8. Conclusion

This chapter has analysed how, since 1915 and in particular in the politically active year of 1917, Estonian political activists discussed the non-territorial autonomy model. Since national-territorial autonomy had been one of the chief political goals of Estonian activists for years, this was also in the foreground in the political debates in 1917. The broader goal was to achieve a democratic federal Russian republic with an Estonian *Bundesland*. However, this demand was coupled with a demand for non-territorial autonomy provisions. The main aim of the demand was to encompass fellow Estonians who lived outside of the homeland and who could not be encompassed by the territorial nature of the state's administration. Such a demand corresponded to the settlement situation: at the time, a large share of Estonians lived in diasporic settlements outside the homeland. For national activists, they were potentially lost souls who would assimilate and further decrease the already small number of Estonians.

[521] Kruus, *Rahvusautonoomia*, 22.
[522] Jörg Hackmann, "Werner Hasselblatt on Cultural Autonomy: A Forgotten Manuscript," in *Forgotten Pages in Baltic History: Diversity and Inclusion*, ed. Martyn Housden and David James Smith (Amsterdam: Rodopi, 2011), 153.

The debates over non-territorial autonomy in Estonian political discourse were linked with the ones in Austria and in the rest of Russia. Estonian activists such as Kruus, Luts, and Vilms read and reworked the ideas of Bauer and Renner. The works of these thinkers were, for Estonian activists, a new and innovative middle course between nationalism and Marxism. Not only did they read their works, but also Russian translations, and received impetuses from the discussions taking place within Russian parties. In particular, Kruus's advocacy appears to be directly connected with the party congresses of the Socialist-Revolutionary Party and the works of one of the party's leading advocates of non-territorial autonomy, Nadezhda Briullova-Shaskol'skaia. Non-territorial autonomy was present in numerous Estonian political pamphlets, newspaper articles, political congress reports, and was thus deeply rooted in political discourse.

By analysing the debates, the circulation of ideas in 1917, and the drafting of the Independence Manifesto, the chapter also demonstrated how the promise for cultural autonomy in the Manifesto emerged from the discussions over reforming Russia. Political leaders who had been involved in the debates over the position of Estonia in a reformed Russia were either well-versed in this autonomy model or were personally advocating it. When the Bolsheviks took power and the Estonian political elite decided to declare independence and draft the Manifesto, they included a promise for non-territorial autonomy for the minorities in Estonia. Although it was now proposed in a different context and with a different aim, it was essentially a promise for non-territorial autonomy and even the wording of the promise for autonomy reveals a connection with these earlier debates.

Chapter 4 Estonian Settlements in Siberia and Non-Territorial Autonomy in 1917-1920[523]

1. Introduction

The previous chapter of this study analysed how Estonian national activists advocated non-territorial autonomy for the diasporic Estonian settlements outside the Estonian homeland. This chapter will zoom in to these communities and explores the political developments there. More specifically, the focus of this chapter is Estonian settlements in Siberia, the city of Tomsk and a circle of Estonian activists who had arrived to Siberia fleeing from the imperial German army and tried to politically mobilise these agrarian settlements during the First World War and Russian Civil War. The chapter argues that these new activists made non-territorial autonomy one of the core demands of the settlements. This demand was a part of a larger package which included supporting independent Estonia and a special Siberian unit in a reformed democratic Russian federation.

Due to its ethnic diversity and numerous diasporic settlements that formed as a result of migration from European Russia, Siberia is a useful case to study autonomy demands. At the beginning of the twentieth century, more than thirty native ethnic groups lived there, many of whom were dispersed across larger areas or followed nomadic ways of life.[524] In addition to this, Siberia had been a place of exile for political opponents from the European parts of the Russian Empire. However, Siberia was also a destination of massive voluntary migration and, since the mid-19th century, numerous peasants resettled from the European parts of Russia. This movement was a part of imperial policies to colonise and Russify the peripheries as the authorities were afraid of migration and expansion from China and Japan.[525] These millions of voluntary settlers were motivated by personal freedom, and hoped to acquire free harvestable land, which had been a scarce resource in European Russia.[526]

The Estonian settlements in Siberia formed during the 19th century and at the beginning of the 20th century as a combination of forced exile and voluntary migration, the latter being the

[523] A version of this chapter is published as an article: Timo Aava, "Refugees and Diaspora Nationalism: National Activists in Estonian Settlements in Siberia and Non-Territorial Autonomy between 1917 and 1920," *Journal of Baltic Studies*, 2023.
[524] Ivan Sablin and Maria Savelyeva, "Mapping Indigenous Siberia: Spatial Changes and Ethnic Realities, 1900–2010," *Settler Colonial Studies* 1, no. 1 (January 2011): 80–82.
[525] Eva-Maria Stolberg, "The Siberian Frontier between 'White Mission' and 'Yellow Peril,' 1890s–1920s," *Nationalities Papers* 32, no. 1 (2004): 167–68.
[526] Donald Treadgold, *The Great Siberian Migration: Government and Peasant in Resettlement from Emancipation to the First World War* (Princeton: Princeton University Press, 1957); Lewis H. Siegelbaum, "Paradise or Just a Little Bit Better? Siberian Settlement 'Fever' in Late Imperial Russia," *The Russian Review* 76, no. 1 (2017): 22–37; Sablin and Savelyeva, "Mapping Indigenous Siberia," 83.

main form of resettlement. Although there were war prisoners from Estonia, smaller colonies and smaller migration movement before, the 1860s mark the start of the massive resettlement from the Baltic littoral to other parts of Russia, which lasted until 1917.[527] One of the main causes of migration was the socio-economic situation in the Baltic littoral. In 1816/1819, the serfs were emancipated without land property and there was a lack of affordable land for farming since land remained in the hands of large landowners. In the context where around two-thirds of peasants were without land property, emigration was an alternative for the peasants. The migration movement echoed with the government's efforts to colonise Siberian territories and encourage immigration.[528]

During the time period that this chapter covers, there was a considerable number of Estonians living outside the homeland. Scholars have estimated that after the Bolshevik revolution, between 200,000 and 250,000 Estonians lived in Soviet Russia.[529] Since the population of Estonia in 1919 was a little over one million,[530] these numbers show how large a share of Estonians lived outside their homeland. According to the estimate of A. Nigol, in April 1919, the Estonian community in Siberia was ca 40,000, while the local newspaper *Siberi Asunik* (over)estimated that it was more than 100,000.[531]

The main political activists in Estonian communities in Siberia were Estonian refugees who had arrived only recently. The outbreak of World War I and the invasion of European Russia by the German army initiated a massive wave of resettlement as many factories and universities were evacuated and people fled from the enemy forces. According to some studies, approximately five percent of the entire population of Russia had moved from the Russian frontlines to the

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527 Aadu Must, *Siber ja Eesti. Jalarauа kõlin* (Tartu: Tartu Ülikooli Kirjastus, 2012), 45–59; Karsten Brüggemann, "Von Migranten, Verbannten und Deportierten: Sibirien als Ort der estnischen Geschichte," *Nordost-Archiv* XIV (2006): 6; Toivo U. Raun, "Estonian Emigration within the Russian Empire, 1860-1917," *Journal of Baltic Studies* 17, no. 4 (1986): 351.

528 Aivar Jürgenson, *Siberi eestlaste territoriaalsus ja identiteet*, Humanitaarteaduste dissertatsioonid 7 (Tallinn: Tallinna Pedagoogikaülikooli kirjastus, 2002), 71ff.; Tiit Rosenberg, "Eestlaste väljaränne 19. sajandil - 20 sajandi algul: taust ja võrdlusjooni naabritega," in *Künnivaod: uurimusi Eesti 18.-20. sajandi agraarajaloost* (Tartu: Tartu Ülikooli Kirjastus, 2013), 344–58.

529 Helen Rohtmets, "The Repatriation of Estonians from Soviet Russia in 1920–1923: A Test of Estonian Citizenship and Immigration Policy," *Journal of Baltic Studies* 42, no. 2 (June 1, 2011): 170; Hill Kulu, *Eestlased maailmas: ülevaade arvukusest ja paiknemisest* (Tartu, 1992), 22; Raimo Raag, *Eestlane väljaspool Eestit: ajalooline ülevaade* (Tartu: Tartu Ülikooli Kirjastus, 1999), 51; On the problematics of census and ethnic statistics (in the Baltic case) see e.g. Wezel, "Introduction."

530 Ainsaar, *Eesti rahvastik*, 85.

531 August Nigol, *Eesti asundused ja asupaigad Wenemaal, 1918* (Tartu, 1918), 9; J. U[nt?]., "Mis ootab meid?," *Siberi Asunik*, April 5, 1919.

interior.[532] The exact number of refugees from Estonia in inner parts of Russia is unknown.[533] Both the Germans and Jews from the western provinces, including the Baltic provinces, were forcefully deported to inner parts of Russia as they were suspected of becoming enemy soldiers or at least being German sympathisers.[534]

In the Siberian context, these newly arrived young activists and refugees in Siberia, in times of uncertain developments in their western homelands and in Siberia, took on the role of national-political activists and tried to mobilise local fellow-nationals nationally and politically. They campaigned for their homeland by demanding autonomy, and eventually independence and autonomy for the diaspora. One of their undertaking was establishing a local newspaper *Siberi Asunik* (The Siberian Settler), the only regular Estonian newspaper in Siberia which also serves as an invaluable source for this chapter. This newspaper started appearing in Tomsk in May-August 1918 and had a strong anti-Bolshevik stance, but was considered unaffiliated with a specific party. Rudolf Kuuskmann became the first editor.[535] It became a mouthpiece of Estonian refugee national activism and voiced demands for Siberian autonomy, supported Estonian independence and demanded non-territorial autonomy.

In many cases, the developments in the Russian interior unfolded parallel to the events in the West. For instance, Latvian refugees in Vladivostok eventually managed to establish an organisation 'with the characteristics of a miniature state'.[536]

This political activism was also a mediation process between the Estonian homeland and diasporas. Many recent theoretical accounts and empirical studies have stressed on a more general level how refugees and expatriates have not only made important contributions to knowledge and the spread of new ideas, but have also acted as (cultural) mediators between their homeland and

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[532] Peter Gatrell, *A Whole Empire Walking: Refugees in Russia During World War I* (Bloomington: Indiana University Press, 1999), 1–15, statistics on p. 3.

[533] Since the First World War in Estonia is a relatively understudied topic, the exact number of refugees from Estonia during the war is not ascertained in scholarly literature. In 1919, Bernhard Linde estimated that 40,000 had fled from Estonia to Siberia during the war "Uuemad teated Eesti asunikkudest Siberist ja nende wahekorrast Koltshaki walitsusega. Jutuajamine hiljuti Siberist kodumaale jõudnud Bernhard Lindega," *Päewaleht*, November 9, 1919.. Because the German army reached Estonian territories later than Lithuanian and Latvian territories, it is questionable if the scale was as big as it was there. Initially, cities like Tartu catered for tens of thousands of refugees from the south Lea Teedema, "Haavatud ja haiged sõdurid, puudustkannatajad ja põgenikud Esimese maailmasõja aegses Tartus," in *Esimene maailmasõda ja Eesti II*, ed. Tõnu Tannberg, Eesti Ajalooarhiivi toimetised, 24 (31) (Tartu: Eesti Ajalooarhiiv, 2016), 134–89..

[534] Shaul Lipschitz, "Jewish Communities in Kurland," in *The Jews in Latvia*, ed. Mendel Bobe et al. (Association of Latvian and Esthonian Jews in Israel, 1971), 279–82; Aadu Must, *Muutugu ja kadugu! baltisakslased ja Esimene maailmasõda* (Tartu: Tartu Ülikooli Kirjastus, 2016), 56–89, 168–81; Eric Lohr, *Nationalizing the Russian Empire: The Campaign against Enemy Aliens during World War I* (Cambridge, Mass: Harvard University Press, 2003), 121–65.

[535] Kuuskmann koguteose "Eesti avalikud tegelased" toimetusele, 08.02.1931, ERA.2124.2.397, p. 3; the statutes of „Ühendus", ERA.2124.2.397, p. 8; on party affiliation see Eesti Asuniku Kalender 1918/1919, ERA.2124.2.397, p. 92.

[536] Aldis Purs, "Working Towards 'An Unforeseen Miracle' Redux: Latvian Refugees in Vladivostok, 1918-1920, and in Latvia, 1943-1944," *Contemporary European History* 16, no. 4 (2007): 479–94.

the new setting.[537] In the Siberian context, strong national activism spread by new refugees was likely something new for the older settlers. Estonian settlers who moved to Siberia until the mid-19th century did not necessarily identify themselves as Estonians in the modern sense, as it was only from the mid-19th century that the broader national movement started and Estonian identity was rooted.[538]

Estonian activists treated in this chapter advocated Estonian independence but many of them found that this was not a sufficient solution to the problem of Estonians in Siberia. Some indeed set their hopes on independent Estonia and expected, if the land question were solved, that Estonians in Siberia would migrate back to Estonia where the conditions for the development of cultural and educational life were better.[539] For many "diaspora nationalists",[540] however, organising the diasporic community and guaranteeing it a political representation in Siberia was among their most important goals. As Juhan Vilms wrote in September 1918: 'Once peace arrives, only some will return [to Estonia], some will stay here and will demand food, work and land. […] That is why it is high time for everyone to understand the benefit of unification, collective action and nationalism'.[541] Since full resettlement was considered to be unrealistic, they tried to increase the national consciousness of these diasporic communities and launched various cultural and political projects for this goal.

The period from the February Revolution until Siberian political life became dominated by the Bolsheviks at the beginning of 1920 can be seen as 'a window of opportunity': political activity increased and future scenarios for Russia and Siberia were discussed. Estonian publications in Siberia dealt intensively with these issues. This time span is thus one of the few, if not the only, moments that enables us to gain better insight into political activities and the ideas among the Estonian diaspora in Siberia. Soviet-era studies into Estonian settlements in Siberia focused either on the migration movement itself[542] or the later years and did not analyse Estonian political activity

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537 Burke, "The Role of Exiles in the History of Knowledge: Two Cases"; Burke, *Exiles and Expatriates in the History of Knowledge, 1500–2000*; also Ther, *Outsiders*, 34, 96; Ivan Sablin, *Governing Post-Imperial Siberia and Mongolia, 1911–1924* (London: Routledge, 2017), 69.

538 Jürgenson, *Siberi eestlaste territoriaalsus ja identiteet*, 259–60.

539 Eesti Asuniku Kalender 1918/1919, Estonian National Archives (ERA) 2124.2.397, p. 121.

540 Joshua Shanes, *Diaspora Nationalism and Jewish Identity in Habsburg Galicia* (New York: Cambridge University Press, 2012), 5; Joshua Shanes, "Yiddish and Jewish Diaspora Nationalism," *Monatshefte* 90, no. 2 (1998): 178–88; cf Nina Glick Schiller, "Long-Distance Nationalism," in *Encyclopedia of Diasporas: Immigrant and Refugee Cultures Around the World*, ed. Melvin Ember, Carol R. Ember, and Ian Skoggard (New York-London: Springer, 2005), 571; see also: Anke Hilbrenner, *Diaspora-Nationalismus. Zur Geschichtskonstruktion Simon Dubnows* (Göttingen: Vandenhoeck & Ruprecht, 2007); Rabinovitch, *Jewish Rights*; Allon Gal, Athena S. Leoussi, and Anthony D. Smith, eds., *Diasporas And Homelands In History: The Case Of The Classic Diasporas* (Brill, 2010).

541 Juhan Wilms, "Marurahwuslus [II]," *Siberi Asunik*, October 12, 1918; see also Juhan Wilms, "Üleilmline Eesti," *Siberi Asunik*, August 14, 1918.

542 Artur Vassar, *Uut maad otsimas: agraarne ümberasumisliikumine Eestis kuni 1863. aastani* (Tallinn: Eesti Raamat, 1975).

outside the Bolshevik framework or reduced it to the slogan 'bourgeois-nationalist'.[543] Studies into the process of gaining independence have focused mainly on the scepticism and opposition to independence among these communities,[544] whereas a closer look offered in this chapter shows a more nuanced picture.[545] The analysis of autonomy demands in Estonian settlements offered in this chapter is essentially the first such a study. Scholars like Irina Nam[546] have incorporated Estonian settlements into broader studies of minorities in Siberia during the first half of the twentieth century, but studies into Estonian diaspora in Russia or the birth of minority rights system in Estonia have so far not mentioned this episode of demanding rights for Estonians in Russia.

2. Siberia, regionalism and autonomy between 1917-1918

In Siberia, as early as in the 1860s the regionalist (*oblastnichestvo*) movement emerged.[547] Activists such as Nikolai Iadrintsev, Grigorii Potanin and Serafim Shashkov proposed that Siberia should depend less on the central government in Petrograd.[548] Regionalists (*oblastniki*) aimed to raise local consciousness and suggested that Russia should be transformed into a federation consisting of various autonomous territorial units one of which had to be Siberia. For these activists, the United States served as an exemplary political model.[549] In 1917, autonomist and regionalist discussions in Siberia evolved against the backdrop of revolutions and the Civil War and experienced a revival.[550]

While the Civil War in Siberia was extremely complicated and chaotic – for instance, in September 1918, there were some ten different anti-Bolshevik governments in Siberia[551] – and a detailed overview cannot be given in this short chapter, a brief contextualisation is nevertheless necessary. After the February revolution, local Soviets were established in Siberia and the political

[543] e.g. Viktor Maamägi, *Ut elu ehitamas: Eesti vähemusrahvus NSV Liidus (1917-1940)* (Tallinn: Eesti Raamat, 1980), 58–59.
[544] Graf, *Eesti rahvusriik*, 196–98.
[545] It should be added that numerous studies have been published on folklore and oral tradition in Estonian communities in Siberia. See e.g. studies by Anu Korb and Andreas Kalkun.
[546] Irina V. Nam, *Natsional'nye men'shinstva Sibiri i Dal'nego Vostoka na istoricheskom perelome (1917-1922 gg)* (Tomsk: Izdatel'stvo Tomskogo Universiteta, 2009).
[547] N. G. O. Pereira, *White Siberia: The Politics of Civil War* (Montreal: McGill-Queen's Press, 1996), 18, 29; Stephen Watrous, "The Regionalist Conception of Siberia," in *Between Heaven and Hell: The Myth of Siberia in Russian Culture*, ed. G. Diment and Y. Slezkine (New York: Palgrave Macmillan, 1993), 113–16.
[548] Hagen, "Federalisms and Pan-Movements," 502–3.
[549] Pereira, *White Siberia*, 20–22; N. G. O. Pereira, "The Idea of Siberian Regionalism in Late Imperial and Revolutionary Russia," *Russian History* 20, no. 1–4 (1993): 165–69; Watrous, "The Regionalist Conception of Siberia," 114–19.
[550] Watrous, "The Regionalist Conception of Siberia," 128–29.
[551] James Forsyth, *A History of the Peoples of Siberia: Russia's North Asian Colony 1581-1990* (Cambridge: Cambridge University Press, 1994), 234.

life was mainly dominated by the Socialist-Revolutionaries. After the October Revolution in Petrograd, the Bolsheviks assumed power in several places in Siberia. However, their weak power soon crumbled in May 1918 when around 40,000 Czech troops who were trying to reach Western Europe via Vladivostok revolted and captured many cities along the Trans-Siberian railway from the Bolsheviks. Meanwhile, the two main competitors for power in Siberia were the so-called Komuch or the Members of the Constituent Assembly, established in Samara, and the Provisional Siberian Government, established in Omsk. In November 1918, the Omsk government was overthrown by Admiral Kolchak, who remained in power until his defeat at the end of 1919 when the Red Army gained control over Western Siberia.[552]

The February Revolution brought ideas of self-determination and autonomy to the foreground in Siberia. In 1917, the Siberian Jewish community was one of the first that brought non-territorial autonomy into Siberian political debates. In March, the Jews of Tomsk welcomed the Provisional Government and expressed their hope that the Russian Constituent Assembly would grant Jews not only political and civil rights but also the right to national-cultural autonomy.[553]

It was in 1917 that both territorial and non-territorial autonomy became crucial elements of the program of the provincialists.[554] The 1917 August Conference and October Congress of Regionalists, both convened in Tomsk, expressed the demand to turn Russia into a federation consisting of national-territorial units. The August Conference included a demand for 'extraterritorial personal autonomy unions' for national minorities, both in areas with mixed populations and for the nations without a territory.[555] The October meeting proposed 'extraterritorial personal autonomous unions' for minorities without territory.[556] 'Extraterritorial autonomy' (*eksterritorialnaia avtonomiia*) and 'national-personal autonomy' (*natsionalno-personalnaia avtonomiia)* were the most common terms in Russian at the time to describe non-territorial autonomy.

How did the regionalists define non-territorial autonomy? An address by Socialist-Revolutionary E.V. Zakharov from October 1917 helps to understand it. He argued that the nationalities who had reached a certain level in their development had undoubtedly the right to self-determination. He understood self-determination foremost in territorial and political terms

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552 summarized based on Janet M. Hartley, *Siberia: A History of the People* (New Haven: Yale University Press, 2014), 183–95; Forsyth, *History of the Peoples of Siberia*, 229–39.

553 Irina V. Nam, ed., *Kul'turno-natsional'naia avtonomiia v istorii Rossii. Dokumental'naia antologiia. T. I. Sibir'. 1917-1920.* (Tomsk: Tomsk State University, 1998), 22.

554 Irina Nam, "The Aboriginal Issue in Legal Studies of the Siberian 'Provincialists,'" *Journal of Legal Pluralism*, no. 46 (2001): 146–47.

555 Nam, 146–47; R[udolf] K[uuskmann], "Siberi eestlaste kaks lähemat ülesannet," *Siberi Asunik*, August 6, 1918.

556 Pervyi sibirskii oblastnoi s"ezd (booklet), 08.-17.10.1917, ERA.2124.2.397, p. 32,

and full secession or national-territorial autonomy were the main examples of this. For the nationalities that did not form a compact settlement, this form of self-determination, Zakharov argued, was essentially unfitting. This is why he stipulated that dispersed nationalities must have the right to a constitutionally guaranteed right for national-personal autonomy to deal with their national and cultural affairs. Various models of how to organise Siberia and which autonomy for which nationalities was suitable circulated. Among regionalists, some proposed non-territorial autonomy only for indigenous peoples and not for newly arrived nationalities. While the Kazakhs were more strongly attached to territorial autonomy, the Yakuts saw it as a long-term goal and national-cultural as a gradual movement towards national-territorial autonomy. Recently settled national groups were in these discussions the strongest advocates of the purest forms of non-territorial autonomy.[557]

The regionalist movement was the main initiator of the Siberian Duma. In the August meeting in 1917, radically-minded activists called for the convocation of a Siberian Regional Duma, a supreme legislative power in Siberia elected by universal suffrage. This body had to carry political sovereignty until the convocation of a Siberian Constituent Assembly.[558] At this time and in early winter 1918, the most popular party in Russia were the Socialist-Revolutionaries who gained overwhelming support in the elections to the All-Russian Constituent Assembly.[559] The Siberian regionalist movement was strongly influenced by them and their demand for non-territorial autonomy was reminiscent of the resolution passed at the III congress of the party in May in Moscow. In fact, many of the programmatic elements of the regionalists in 1917 can be traced back to the Socialist-Revolutionaries.[560]

Convening the Siberian Regional Duma against the backdrop of chaotic political events and the growing influence of the Bolsheviks was a complicated task. The Bolsheviks who controlled Tomsk arrested several elected members of the Duma on 25 January 1918, but those who managed to escape held a secret meeting a few days later and formed a Provisional Government of (Autonomous) Siberia.[561] The Duma had to be an alternative to the Bolshevik authorities in Petrograd.[562]

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[557] Nam, *Natsional'nye men'shinstva Sibiri*, 181–82; 189; Nam, "Aboriginal Issue."
[558] Pereira, *White Siberia*, 33–35; I. I. Serebrennikov, "The Siberian Autonomous Movement and Its Future," *Pacific Historical Review* 3, no. 4 (1934): 407–8.
[559] Pereira, "Idea of Siberian Regionalism," 170.
[560] Nam, "Iz rezoliutsii po natsionalnomu voprosu, priniatoi na II s"ezde partii sotsialistov-revoliutsionerov," 153–54; Serebrennikov, "The Siberian Autonomous Movement," 409; Nam, *Natsional'nye men'shinstva Sibiri*, 175–84.
[561] Serebrennikov, "The Siberian Autonomous Movement," 410–11.
[562] Pereira, *White Siberia*, 34; Ivan Sablin, *The Rise and Fall of Russia's Far Eastern Republic, 1905–1922: Nationalisms, Imperialisms, and Regionalisms in and after the Russian Empire* (London: Routledge, 2018), 84.

The Duma continued its work underground until its official convocation in August 1918 in Tomsk after the Czechoslovak troops had captured several Siberian cities from the Bolsheviks and controlled large parts of Western Siberia.[563] Eventually, however, instead of regionalist ideas, the ideas of a united coalition against the Bolsheviks started to dominate. In November 1918, the Duma officially approved the All-Russian Government (Directory) in Ufa and dissolved itself.[564]

Some sections of the Duma worked before its official convocation in August.[565] In the fraction of nationalities were two sections: a section for indigenous and a section for new (extraterritorial) peoples.[566] The deputies of the latter section were active propagators of non-territorial autonomy. They demanded in August 1918 that a national-personal autonomy law be passed by the Siberian Constituent Assembly.[567] In 1918, the Pole I. Zalenski, the Ukrainian B. A. Yanovyits'kyi and the Jew A. M. Evzerov from the section drafted a detailed law proposal on national autonomy for 'extraterritorial peoples' in Siberia, in particular for Poles, Ukrainians, Jews, Estonians and Latvians, but also all others who managed to collect at least 5000 signatures for their application.[568]

In addition to the regionalist movement, several ethnic groups incorporated non-territorial autonomy demands into their agendas. In April 1917, the All-Buryat Congress convened in Chita and adopted a project on national autonomy which envisioned uniting the Buryats of the Irkutsk Province and the Transbaikal region into one national autonomy structure. The supreme body of the four-level structure of the national autonomy had to be the Buryat National Duma 'uniting all parts of the Buryat people into a single whole'.[569] In October 1918, The Latvian Congress in Omsk had cultural autonomy on its agenda.[570]

3. Estonian settlements in Siberia and autonomy demands

In the tumultuous years of 1917-1920, around ten freshly arrived students and Estonian officers were the leading activists in the Estonian settlements. Several of them had been students at the University of Tartu (Vilms, Gross, Linde). Some had been on the move across the Russian Empire already earlier because of their studies or military service during the war years: Rudolf Kuuskmann

[563] Pereira, *White Siberia*, 52, 80; Serebrennikov, "The Siberian Autonomous Movement," 411.
[564] Pereira, *White Siberia*, 80, 98–99, 200; "Siberi Oblasti Duuma," *Siberi Asunik*, November 30, 1918.
[565] "Duuma rahwuste fraktsiooni tegevusest," *Siberi Asunik*, August 22, 1918.
[566] "Siberi rahwuste awaldus (deklaratsioon)," *Siberi Asunik*, September 25, 1918; Nam, *Natsional'nye men'shinstva Sibiri*, 267.
[567] "Siberi rahwuste awaldus (deklaratsioon)."
[568] Nam, *Natsional'nye men'shinstva Sibiri*, 271; published in: Nam, *Kul'turno-natsional'naia avtonomiia*, 117–21.
[569] Sablin, *Governing Post-Imperial Siberia and Mongolia, 1911–1924*, 73–74.
[570] "Läti kongress," *Siberi Asunik*, September 25, 1918.

studied at the University of St Petersburg, Villem Sõerd had studied at the University of Warsaw but moved to Moscow and Minsk due to military service, Bernhard Linde had served in Mogilev and later lived in Samara and Omsk. They had been engaging in political and national activism already for several years before arriving in Siberia[571] and had participated in the events of 1917.[572] Linde had been the publisher of the journal *Vaba Sõna* between 1914-1915. The journal, as discussed in previous chapter, was a forum of a new generation intellectuals where authors such as Jüri Vilms and Hans Kruus had published numerous articles on the national question and the Austro-Marxists. Thus, the activities of the freshly arrived refugees in Siberia were in a sense a continuation of their earlier work and political activism in a new setting. It was the city of Tomsk that became one of the hubs of their activism because many of these young men continued their studies at the local university.

The broader package of their political agenda included supporting and staying in touch with the freshly independent Estonian homeland, achieving autonomy for a Siberian political entity as a part of a federal Russia, and preventing assimilation by organising the Estonian settlements in Siberia and granting them (non-territorial) autonomy.[573]

The Estonian activists in Siberia were strong supporters of an independent Estonia. In the newspaper *Siberi Asunik* they published articles stressing that the Estonian homeland was the core of Estonian identity. Refugee activists were interested in the events in Estonia, observed the ongoing political events there, and tried to stay in touch with political authorities.[574] The Second All-Siberian Estonian Congress in December 1918 expressed a clear support for Estonian independence and hoped that the new state would gain international recognition.[575] In February 1919, the local activists organised an event to celebrate the first anniversary of independence.[576] Activists also tried to influence citizenship policy of Estonia so that also settlers in Siberia would qualify for it.[577] They also contacted the Estonian government in order to organise resettlement to Estonia but also to ask it to send Estonian literature and textbooks to settlements and supporting

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571 See e.g. Juhan Vilms, "Meie üliõpilaskond ja loov töö," *Üliõpilaste Leht* 1, no. Märts (1915): 6–11.
572 See e.g. "Esimene Eesti üliõpilaste ja wilistlaste kongress. III.," *Postimees*, April 5, 1917.
573 Compare with the concept of 'triadic nexus' Rogers Brubaker, "National Minorities, Nationalizing States, and External National Homelands in the New Europe," *Daedalus* 124, no. 2 (1995): 107–32 and; David J. Smith, "The 'Quadratic Nexus' Revisited: Nation-Building in Estonia through the Prism of National Cultural Autonomy," *Nationalities Papers* 23, no. 2 (2020): 235–50..
574 See e.g.: „Ühenduse" protokoll, 17.12.1917, ERA.2124.2.397, p. 9.
575 "Teine Ülesiberiline Eesti Kongress. Protokol," *Siberi Asunik*, January 2, 1919; "Teine Ülesiberiline Eesti Kongress. Protokoll (järg)," *Siberi Asunik*, January 16, 1919; Nam, *Kul'turno-natsional'naia avtonomiia*, 183–84.
576 Laulud Eestimaa iseseiswaks kuulutamise mälestuse-päewaks tänujumaleteenistusel Tomski Maria kirikus, 23.02.1919 (booklet), ERA.2124.2.397, pp. 53-54; E.Gross „Eestimaa iseseisvusest" in Eesti Asuniku Kalender 1918/1919, ERA.2124.2.397, p. 121.
577 Rudolf Kuuskmann, "Kes on Eesti Wabariigi kodanik," *Siberi Asunik*, October 29, 1919.

them with material means.[578] All these examples show how contact with and support for an Estonian homeland and activities in settlements were closely intertwined and cannot be separated from each other.

The second main theme in the political discussions and activities of Estonian activists in Siberia was envisioning Siberia as a separate political entity. The scarce sources about Estonian communities in Siberia[579] show that autonomy thinking after the February Revolution followed the developments among the regionalist movement and in particular the section of extraterritorial peoples of the Regional Duma. Along these lines, the very first issue of *Siberi Asunik* argued in the spirit of the regionalists that Siberian economic and intellectual life had suffered as a result of the fact that Russia had been a centralised state ruled from Petrograd, and welcomed the Siberian Provisional Government[580] Just like the activists in the western parts of Russia, the Siberian activists started arguing that instead of an all-Russian constituent assembly, all peoples of Russia should have a right to convene their own constituent assembly and thus move bottom-up towards reforming Russia.[581] Siberian activists envisioned Siberia as a separate territorial (but not a separate ethno-territorial) unit which had a right to its own constituent assembly and Estonian refugee activists supported this line of argument. The *Siberi Asunik* put their strong hopes in the Siberian Provisional Government whose aim was to establish an autonomous Siberia which would be governed democratically. Estonian activists, for instance, stressed that Siberia was in terms of its climate, geography, and economic potential a distinct unit. They argued that Siberia had an abundance of natural resources which could be used for its own benefit.[582]

To achieve these political goals, Estonians participated in regionalist-autonomist activities. A. Peterson, G. Maurer, E. Gross and J. Willo participated in the work of the Siberian Regional Duma as Estonian delegates.[583] Democratic and autonomous Siberia was not only a broad political goal towards which to strive but Estonian activists also saw it as a necessary framework to reach Estonian national goals. The Siberian Regional Duma had special provisions for small nationalities: in the case of Estonians, they could send five delegates which would have been impossible in the classical majoritarian electoral system. Therefore, Estonian activists stressed that this institution is

578 Ülesiberiline Eesti Liit demokraatlise Wabariigi Eesti Ajutise Walitsusele, Tomsk, 08.03.1919, ERA.957.11.9., p. 30.
579 for an overview of the historiography of Estonian settlements and migration movement see: Tiit Rosenberg, "Ümberasumisliikumise ja eesti asunduste ajaloo historiograafia," in *Künnivaod: uurimusi Eesti 18.-20. sajandi agraarajaloost* (Tartu: Tartu Ülikooli Kirjastus, 2013), 359–70; Must, *Siber ja Eesti. Jalaraua kõlin*, 22–30; Ilya Lotkin, "Isseledovanie pribaltiiskoi diaspory Sibiri Rossiskimi i zarubezhnymi uchenymi," *Izvestiia Tomskogo politekhnicheskogo universiteta* 308, no. 4 (2005): 207–11.
580 W[illem]. S[öerd?]., "Siberi Ajutise Walitsuse tekkimine," *Siberi Asunik*, August 6, 1918.
581 Kalmo, "Enesemääramise saatuslik tund," 188–89.
582 W[illem] S[öerd?], "Eesti rahwa püüded ja Siberi Ajutine Walitsus," *Siberi Asunik*, August 30, 1918.
583 Kuuskmann koguteose "Eesti avalikud tegelased" toimetusele, 08.02.1931, ERA.2124.2.397, p 4; R[udolf] K[uuskmann], "Eestlaste esitusest Siberi Ajutises Duumas," *Siberi Asunik*, August 6, 1918.

the first step towards Siberian autonomy that could guarantee proper Estonian political representation in Siberia.[584] Along the same line, Estonians demanded that the small nationalities had to have the possibility to present all-Siberian lists for the elections to the Siberian Constituent Assembly.[585] The democratic and autonomous Siberian framework, activists argued, would help to achieve Estonian national-cultural autonomy in Siberia.

Finally, and most importantly in the context of this chapter, Estonian activists demanded non-territorial autonomy for Estonians in Siberia. Fear of assimilation and losing members of the perceived national community was one of the main impetuses that encouraged activists to call to organise, and to establish national organisations and autonomy. In Estonian national discourse, Estonians had been perceived as a small nation faced with the threat of extinction or loss of language.[586] Processes such as the Germanization of Estonians who had socially progressed and the large-scale migration to Russia further increased these concerns.[587] In settlement communities, these fears acquired new dimensions and national activists perceived them on an amplified scale. A small, politically and culturally weak nation dispersed in smaller settlements cut off from the homeland often implied a lag in education and culture. Anti-assimilationist stances and calls to remain Estonian were present in almost every issue of *Siberi Asunik*.

The disquiet and fear that small Estonian diaspora communities would eventually become Russian were also prominent at the Second Estonian Congress. The activists saw the future of these communities in gloomy tones:

> First, the uneducated people will fall under the rule of other neighbouring nations and this sad picture is already visible among Siberian settlers, namely dispersed Estonians are, compared with Estonians in the homeland, intellectually on a much lower level. This confirms the fact that after a few decades, the national feeling among the Estonian settlers will disappear and the small Estonian people [in Siberia] will gradually melt into Russians.[588]

In the same vein, some activists objected to inter-ethnic marriages. For instance, in her eugenicist take on nations, Erna (Ernestine) Vilms feared that inter-ethnic marriages between Estonians and, in her understanding, culturally inferior Russians would ultimately lead to the extinction of Estonians.[589] Juhan Vilms expressed even stronger eugenicist views and treated the nation through

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584 S[öerd?], "Eesti rahwa püüded ja Siberi Ajutine Walitsus."
585 "Teine Ülesiberiline Eesti Kongress. Protokol"; "Teine Ülesiberiline Eesti Kongress. Protokoll (järg)," January 16, 1919; Nam, *Kul'turno-natsional'naia avtonomiia*, 183–84.
586 Ken Kalling, "The Application of Eugenics in Estonia 1918-1940," in *Baltic Eugenics: Bio-Politics, Race and Nation in Interwar Estonia, Latvia and Lithuania 1918-1940*, ed. Björn M. Felder and Paul J. Weindling (Leiden: Brill Rodopi, 2013), 50.
587 Triin Tark and Olev Liivik, "Kadakasaksluse mõiste sõdadevahelise Eesti avalikus arvamuses," *Tuna*, no. 3 (2020): 28–39; Kalling, "Application of Eugenics," 50.
588 "Teine Ülesiberiline Eesti Kongress. Protokoll (järg)," January 16, 1919.
589 Erna Wilms, "Abielud eestlaste ja wenelaste wahel," *Siberi Asunik*, August 14, 1918.

the concept of stock (*tõug*).[590] According to this approach, ethnic differences demanded separate schooling since every 'separate stock has to be raised differently'. This would have allowed 'the possibility for a particular (*omapärane*) development' of Estonians.[591] This was written in eugenicist language, which had acquired considerable popularity across Europe by that time.[592] Eugenics was even more important for Vilms during the interwar year because was one of the leading eugenicists in Estonia at that time.[593] In the Siberian context, Vilms' interpretation of non-territorial autonomy differed from many other theoreticians and activists who mainly saw it as cultural and political and not in a biologised framework.

One of the activities to stop this from happening was organising the settlers in Siberia. The necessity to organise Estonian settlements by establishing schools, choirs, national societies was also a key demand that circulated in the more western parts of Russia like in Petrograd.[594] Along this line in the spring following the February revolution, national and cultural life gained momentum in Siberia. Several national organisations were founded in cities such as Omsk,[595] Vladivostok,[596] Irkutsk and Novonikolaevsk.[597] One of the centers was Tomsk, where Estonian societies 'Ühendus' and 'Eesti' were established in November 1917[598] and where the local Estonian newspaper *Siberi Asunik* was published.

One of the key characteristics of diaspora nationalism is the national and political work within the diasporic communities to increase their national consciousness.[599] More specifically, activists in a diaspora aim to achieve minority rights for the diasporic community, autonomy for

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590 In this discussion, the Estonian word "tõug" was used which translates as "stock" (or "breed"). "Tõug" encompassed various dimensions of ethnicity, such as linguistic, mental, cultural and biological Kalling, "Application of Eugenics," 50..

591 Wilms, "Üleilmline Eesti"; see also Juhan Wilms, "Marurahwuslus," *Siberi Asunik*, September 25, 1918.

592 see e.g. Marius Turda and Paul J. Weindling, "Eugenics, Race and Nation in Central and Southeast Europe, 1900-1940: A Historiographic Overview," in *"Blood and Homeland": Eugenics and Racial Nationalism in Central and Southeast Europe, 1900-1940*, ed. Paul J. Weindling and Marius Turda (Budapest-New York: Central European University Press, 2007), 1–20; Paul J. Weindling, "Race, Eugenics and National Identity in the Eastern Baltic: From Racial Surveys to Racial States," in *Baltic Eugenics: Bio-Politics, Race and Nation in Interwar Estonia, Latvia and Lithuania 1918-1940*, ed. Björn M. Felder and Paul J. Weindling (Leiden: Brill Rodopi, 2013), 33–48.

593 Ken Kalling, "'Kultuurrahvaste mentaliteet peab saama enam kollektivistlikumaks'. (Dr Juhan Vilmsi sõnad ja teod)," *Tartu Ülikooli ajaloo küsimusi* XLII (2015): 84–113; Ken Kalling, "The Self-Perception of a Small Nation: The Reception of Eugenics in Interwar Estonia," in *"Blood and Homeland": Eugenics and Racial Nationalism in Central and Southeast Europe, 1900-1940*, ed. Paul J. Weindling and Marius Turda (Budapest-New York: Central European University Press, 2007), 253–62; Kalling, "Application of Eugenics."

594 Johannes Tau [Kartau], "Asunduste korraldus," *Eesti Päewaleht Peterburis*, June 7, 1918.

595 Omski Eesti Seltsi koosolekute protokolliraamat, protokoll nr 1, 19.03.1917, ERA.3372.1.15, p. 1; Lühikene ülewaade Eesti rahwuslisest tegewusest Omskis, Ed. Kuusik, 23.03.1920, ERA.957.11.9, p. 71.

596 Vladivostoki Eesti Seltsi asutamise koosoleku protokoll, 17.03.1917, ERA.3372.1.261; Vladivostoki Eesti Seltsi koosoleku protokoll, 12.03.1917, ERA.3372.1.262, p. 1.

597 I. V. Nam and N. I. Naumova, "Estontsy tomskoi gubernii: osobennosti natsional′noi samoorganizatsii (1917-1919 Gg.)," *Vestnik Tomskogo gosudarstvennogo universiteta. Istoriia*, no. 3 (2011): 57; Nam, *Natsional'nye men'shinstva Sibiri*, 168.

598 Ülesiberiline Eesti Liit demokraatlise Wabariigi Eesti Ajutise Walitsusele, Tomsk, 08.03.1919, ERA.957.11.9, p. 29; the statutes of „Ühendus", ERA.2124.2.397, p. 8.

599 Shanes, *Diaspora Nationalism*, 1–15.

an ethnocultural community outside their respective historical homeland. Scattered diasporic communities have been historically subjected to the state where they have been residing and thus they have usually lacked the experience of practicing autonomy.[600] Achieving national-cultural autonomy for the Estonian diaspora was one of the central demands of Estonian refugee activists in Siberia. Estonian settlements in Siberia were dispersed over large areas. These were usually small village communities neighbouring with villages of other ethnic groups.[601] As the activists perceived the situation: 'there is hardly a *kreis* in Siberia where there is no Estonian settlement'.[602] Since these communities were diffused over a large territory, they did not form one compact Estonian settlement area with an overwhelming Estonian majority where a larger Estonian ethno-territorial administrative unit could be easily created. It is thus not surprising that national activists in Estonian settlements proposed the non-territorial autonomy model to these dispersed small Estonian settlements. Already the first issue of the newspaper *Siberi Asunik* introduced the non-territorial autonomy model similarly to the ideas of the regionalists.[603] Demanding 'national-personal autonomy' (*natsionaal-personaalne autonoomia*) for Estonians via the Siberian Duma in collaboration with other small nationalities in Siberia was also one of the main reasons for convening the First All-Siberian Estonian Congress in September 1918 in Tomsk.[604] More extensive discussion and forming it into a strong political demand took place at the second congress in December 1918.

In Siberia, Rudolf Kuuskmann (1888-1955; since 1931 Kuuskmaa), who had studied law at the University of Petrograd and continued his studies in Tomsk in 1917, was among the leading Estonian activists who proposed this model.[605] In October and November 1918, he elaborated on the extraterritorial autonomy model in several articles that were the most extensive treatments of the subject published in Estonian in Siberia. Mostly relying on the demands of the section for the exterritorial peoples of the 'unified fraction of nationalities' in the Siberian Regional Duma, he gave an overview of the model, wrote overviews of the work of the Duma and acted as a mediator for the demands for extraterritorial autonomy put forward in the Siberian Duma and Estonian media in Siberia.[606]

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[600] Anthony D. Smith, "Diasporas And Homelands In History: The Case Of The Classic Diasporas," in *The Call of the Homeland: Diaspora Nationalisms, Past and Present*, ed. Allon Gal, Athena S. Leoussi, and Anthony D. Smith (Brill, 2010), 4–6; Shanes, *Diaspora Nationalism*, 1–15.
[601] Jürgenson, *Siberi eestlaste territoriaalsus ja identiteet*, 176–78.
[602] Ülesiberiline Eesti Liit demokraatlise Wabariigi Eesti Ajutise Walitsusele, Tomsk, 08.03.1919, ERA.957.11.9, p. 29.
[603] S[öerd?]., "Siberi Ajutise Walitsuse tekkimine."
[604] Ülesiberiline Eesti Liit demokraatlise Wabariigi Eesti Ajutise Walitsusele, Tomsk, 08.03.1919, ERA.957.11.9., p. 29.
[605] For a biography see Kuuskmann koguteose "Eesti avalikud tegelased" toimetusele, ERA.2124.2.397, pp. 2-5.
[606] Rudolf Kuuskmann, "Mida nõuawad Siberi koondumata rahwad," *Siberi Asunik*, October 29, 1918; K[uuskmann], "Eestlaste esitusest Siberi Ajutises Duumas."

Kuuskmann's interpretation of non-territorial autonomy was relatively similar to various other interpretations that circulated in Russia. He distinguished between territorial nations who lived concentrated in a specific territory and extraterritorial nations who lived scattered across the country. In his view, the latter comprised the majority of new settlers in Siberia. Kuuskmann argued that the basis for extraterritorial autonomy was the voluntary membership of an individual in a national community. Although an individual had to decide on their national belonging, membership as such had to be obligatory. Such understanding of compulsory registration (*Zwangsgemeinschaften*) had been put forward by Karl Renner in his 1902 book.[607] According to Kuuskmann, the national body would have had the rights of a public body (*riiklise asutuse õigused*) and each nation would have drafted its constitution (*põhjusseadus*) and governing statutes (*valitsemiskorraldus*). Since Kuuskmann and the section of the Regional Duma thought that the implementation should have started in Siberia, it had to be the task of the All-Siberian Constituent Assembly to determine the main principles of national self-government. The competencies of national autonomy would have included education, cultural establishments, internal militia, economic support for various enterprises, healthcare, social welfare, administering the national registry and the budget. It is noteworthy that this catalogue was somewhat more extensive, including welfare and internal militia, the competencies that were usually not included in the projects in European Russia and Austria. Autonomies would have acquired their funds from the taxes collected from the members as well as proportionally from the state and the municipal budget. Kuuskmann concluded his overview by calling on Estonians to think about his model: 'The duty of everyone who wishes a flourishing and happy future for his nation is to support the idea of the self-government of nations.'[608]

Juhan Vilms (1893-1952), the editor of *Siberi Asunik*, was another campaigner for cultural autonomy in the Estonian community in Tomsk. While Kuuskmann made the readers of *Siberi Asunik* familiar with the specific model, Vilms developed it into a clear political demand and gained broader support for it. He was a student of medicine at the University of Tartu from 1914-1917 and, as an evacuee of the war, at the University of Tomsk from 1917-1919. He was the younger brother of Jüri Vilms who had been active in an underground autonomists' circle in Tallinn and had propagated the ideas of Otto Bauer as early as in 1915.

In October 1918, Juhan Vilms established non-territorial autonomy as a practical political goal by proposing that the aim of Estonian nationalists (*rahwuslane*) was 'free, developing and smart Estonian people and land, and extraterritorial educational-political self-government in the

[607] Springer [Karl Renner], *Der Kampf*, 27.
[608] Kuuskmann, "Mida nõuawad Siberi koondumata rahwad."

settlements'.[609] Put forward in the context in which he discussed differences between nations, without elaborating on the nature of autonomy, it is likely that he had picked up the slogan from ongoing political debates and integrated it into his eugenicist understanding of nations, which will be explored later in the chapter.

Eventually, the biggest political organisation of Estonians in Siberia adopted non-territorial autonomy as an official political demand. In December 1918, some 30 Estonian delegates sent by various national organisations and settlements across Siberia convened for the Second All-Siberian Estonian Congress in the premises of the University of Tomsk.[610]

The delegates held a lengthy discussion over non-territorial autonomy and unanimously passed a resolution proposed by Juhan Vilms. The resolution demanded that 'Estonians and other small nations must be granted national-cultural personal autonomy (*rahwus-kulturiline personalne autonomia*) by the Siberian central government on Siberian soil'.[611]

Another outcome of the congress was the establishment of the All-Siberian Estonian Union (*Ülesiberiline Eesti Liit*) intending to 'unite all Siberian Estonians, to protect their political, national, economic and educational (cultural) interests'.[612] This was a part of a broader attempt to establish a body (*Eesti Asunduste Liit*) encompassing all Estonian settlers in Russia, an effort led from Petrograd by K. Luts.[613] The statutes of the Siberian union set organising cultural activities (libraries, museums, publishing, courses, establishing education and sports organisations) and establishing social welfare institutions and economic organisations (cooperatives, trade offices, credit and insurance, granaries) as its tasks. It had a three-level structure: local, *raion* (district) and all-Siberian. Membership was voluntary and open to all Estonians of at least 20 years of age.[614] The minimal 'obligatory yearly membership tax' (*sunduslik liikme aastamaks*) was 5 rubles and individuals failing to pay were expelled, although there were special provisions for the poor.[615]

The organisation also dealt with schooling by establishing new and managing existing schools. The broader aim set by the congress was to establish a network of Estonian schools where the schools 'are externally (*wälispidiselt*) part of the local zemstvo school network and funded by the zemstvo, but the internal organisation of schools, the program, language, teachers and

[609] Wilms, "Marurahwuslus"; Nam and Naumova, "Estontsy tomskoi gubernii," 58.
[610] "Teine Ülesiberiline Eesti Kongress. Protokol." See the agenda of the congress, ERA.3372.1.246, p. 2. The agenda was also printed in the local newspaper.
[611] "Teine Ülesiberiline Eesti Kongress. Protokol"; "Teine Ülesiberiline Eesti Kongress. Protokoll (järg)," January 16, 1919; Nam, *Kul'turno-natsional'naia avtonomiia*, 183–84.
[612] Nam and Naumova, "Estontsy tomskoi gubernii," 59; "Teine Ülesiberiline Eesti Kongress. Protokoll (järg)," January 16, 1919; Ülesiberilise Eesti Liidu põhjuskiri, 1919 (booklet), ERA.3372.1.251, p. 3.
[613] Graf, *Eesti rahvusriik*, 197.
[614] Ülesiberilise Eesti Liidu põhjuskiri, 1919 (booklet), ERA.3372.1.251, p. 6.
[615] Ülesiberilise Eesti Liidu põhjuskiri, 1919 (booklet), ERA.3372.1.251, p. 6.

acquiring materials'[616] remains in the hands of the school department of the All-Siberian Estonian Committee. In this regard, they were successful in including some Estonian schools in the official school network.[617] Taking into consideration the fact that some settlements were small and establishing a school was unrealistic, they proposed the introduction of a system of 'traveling teachers' (*rändawad kooliõpetajad*) who would provide basic education in the native language. The activists saw these as preliminary steps to be taken before national-cultural autonomy would be achieved.[618]

Irina Nam has interpreted the All-Siberian Estonian Union and other similar organisations of other nationalities in Siberia (Jews, Poles, Ukrainians, Germans, Latvians, Lithuanians, Koreans) as 'institutions of self-government and cultural autonomy'. In many ways, the Union indeed had the characteristics of a national autonomy body. Since, instead of demanding autonomy for a specific territory, it aimed to encompass dispersed Estonians in a vast Siberian territory regardless of their place of residence, it also had a non-territorial dimension. Nam adds that what was lacking and what the activists were trying to achieve – a crucial and defining feature of an autonomous body – was recognition as institutions of public law.[619]

This proto-institution of autonomy was a peculiar experiment in establishing non-territorial autonomy from the bottom up. Many historical examples of non-territorial autonomy institutions were established after the respective law had been passed in the parliament (for instance, German and Jewish autonomies in interwar Estonia). In this case, the process of establishing autonomy would have worked the other way around.

Notably, in the debates on the pages of *Siberi Asunik*, there were no explicit references to the Austro-Hungarian or Russian-Jewish theoreticians of non-territorial autonomy, nor to the parties that advocated the idea. In Siberian debates, there were no references to Luts or Kruus, who explicitly proposed non-territorial autonomy for settlements like Tomsk. The references are almost explicitly to other Siberian organisations that advocated autonomy. Although the Siberian communities were physically distant from the Baltic provinces where discussions had taken place, they were nevertheless not entirely isolated. Estonian organisations subscribed to newspapers published in Estonia but it is not clear if these reached a wider readership.[620] Access to these materials wasin any case limited and irregular amid the war: sometimes the local newspapers

[616] "Teine Ülesiberiline Eesti Kongress. Protokoll (järg)," January 16, 1919; "Teine Ülesiberiline Eesti Kongress. Protokoll (järg)," *Siberi Asunik*, January 23, 1919.
[617] Nam and Naumova, "Estontsy tomskoi gubernii," 60.
[618] "Teine Ülesiberiline Eesti Kongress. Protokoll (järg)," January 16, 1919; "Teine Ülesiberiline Eesti Kongress. Protokoll (järg)," January 23, 1919.
[619] Nam, "Aboriginal Issue," 151; Nam and Naumova, "Estontsy tomskoi gubernii," 57–58, 61.
[620] Ühendus subscribed to *Päewalehť, Postimees, Tööline* and *Sotsiaaldemokraat*. Tomski eesti seltsi „Ühendus" eestseisuse koosolek. Protokoll, ERA.2124.2.397, p. 14.

published reports on the events in Europe with only a few weeks' delay but overviews of events in Estonia, based on Estonian newspapers, were sometimes published several months later. These newspapers mainly served as information source about the events in Estonia but they also helped to cement support for independence and the anti-Bolshevist views.

Arguably, the reason for the lack of references to theoreticians was the nature of the discussions in Siberia. They were practical and political; theoretical considerations were of secondary importance. In this context, Estonian political activists in Siberian settlements rather worked in collaboration with other political forces in Siberia demanding autonomy for Siberia and non-territorial autonomy for its peoples rather than going 'to the roots' and discussing the nature of this model in theoretical depth. This case, however, also demonstrates that in the debates in Russia over dealing with national diversity, non-territorial autonomy had become a widely discussed and general political concept that was integrated into the political discourse just as many other basic political concepts. As such, closer analysis of Siberian debates shows how these debates were discursively a part of broader debates over autonomy and federalism in revolutionary Russia.

4. 'Self-appointed patriotic spokesmen?' New refugees, old settlers and the outcomes of national mobilisation

How were these autonomist ideas and attempts for national mobilisation received in wider circles? Siberian regionalism was not particularly successful in gaining support from the wider populace. Studies have argued that regionalism never became a 'common coin' because the movement was mainly aimed at the urban intelligentsia in Tomsk. Nevertheless, some further circles, such as *inorodtsy* intelligentsia and middle peasants, had regionalist sympathies.[621]

This question was similar in the Estonian communities because there were divisions between the older settlers and the freshly arrived ones. Bernhard Linde, for instance, wrote in Spring 1919 in the travelogue of his journey from Siberia to India that new arrivals were seen as intruders whom one had to fight.[622]

Likewise, as Peter Gatrell has demonstrated on the basis of the Latvian refugees in Siberia, both in the view of refugees and in the broader discourse, settlers were often seen as having abandoned their homeland. Furthermore, they were perceived as apathetic people who had ceased to read Latvian literature or newspapers and taken up drinking instead [623]. In the Siberian context, which was often seen as 'a graveyard of Latvian identity', the 'self-appointed patriotic spokesmen'

[621] Pereira, *White Siberia*, 176; Pereira, "Idea of Siberian Regionalism," 29.
[622] Jürgenson, *Siberi eestlaste territoriaalsus ja identiteet*, 170–71; Bernhard Linde, *Tõusva päikese mailt: reisivested Siberist, Jaapanist, Hiinast ja Indiast* (Tallinnas: Varak, 1925), 15.
[623] Gatrell, *Whole Empire Walking*, 142, 158.

acted as mediators and reminded the settlers of the Latvian culture from which they had grown apart.[624] These refugees aimed to incorporate settlement communities into the broader national body and create closer contacts with the motherland and campaigned against further dispersion.[625]

The experience of Estonian activists in Siberia was similar. Although the newspaper *Siberi Asunik* actively discussed non-territorial autonomy and the congress passed a resolution unanimously, the main advocates of these proposals (Kuuskmann, Vilms, Linde) were not from these settler communities but were newcomers. Furthermore, they were not peasants but from the urban intelligentsia.[626] Many emphasised that Estonians, in terms of organising themselves, were far behind others in Siberia (e.g. Poles and Latvians).[627] New settlers looked pejoratively upon the older ones, saying that they were less tidy, less interested in schools and societies.[628]

Despite establishing an Estonian newspaper and organisations and assembling congresses, the success of Estonian activists was moderate. A few weeks after the second congress, an activist feared that the work done was merely 'the voice of one crying in the wilderness' (*hüüdja hääl kõrbes*).[629] *Siberi Asunik* – the only Estonian newspaper in Siberia at that time – managed to attract only around 550 subscribers in April 1919.[630] As one activist lamented: 'Where is the majority of readers among the more than one hundred thousand Siberian Estonian settlers? Why don't they read the newspaper?'.[631]

The intuitive response explaining the situation would be that the settlers, having lived cut off from their original homeland, had assimilated over decades and generations. As seen above this was something that the activists were afraid of. However, the structure and nature of the settlements did not necessarily result in fast assimilation. New migrants abroad usually assimilate into the politically and culturally dominant nation, but the dominant nation of the Russian Empire, the Russians, were not necessarily present in the settlement communities in Siberia. These settlements were usually village-based and consisted of one nation, neighboured with other Lutheran communities, such as Latvians, Finns, or Germans, and in many cases had very little contact with Russians.[632] Rarely did these mainly agrarian settlers know any languages other than their native language and often communicated with their neighbouring communities, not in a

[624] Gatrell, 142, 158.
[625] Gatrell, 169.
[626] Jürgenson, *Siberi eestlaste territoriaalsus ja identiteet*, 261–69.
[627] Protokoll nr 1 of Estonian organizations, 06.09.1919, ERA.3372.1.250, p. 6.
[628] Jürgenson, *Siberi eestlaste territoriaalsus ja identiteet*, 170–71.
[629] In the context of the Bible, the whole Judaea and Jerusalem followed this call by John the Baptist in the wilderness and were baptized in the river of Jordan (see e.g.: Mark 1:3-5). Like in the English language, this popular idiom in Estonian has acquired a different meaning as it expresses something that is not popular or is ignored.
[630] U[nt?]., "Mis ootab meid?"
[631] U[nt?]., "Mis ootab meid?"
[632] Jürgenson, *Siberi eestlaste territoriaalsus ja identiteet*, 176–78; Raun, "Estonian Emigration," 360.

common lingua franca, which would have been Russian, but in their own, often mixed languages, with Russian only later becoming a common language.[633] Poor knowledge of Russian meant that at the end of the 19th century, in order to communicate with state authorities, they relied on the help of interpreters.[634] In 1922, in the governorate of Tomsk, 55% of Estonians did not speak Russian, 26% spoke it poorly, 16% satisfactorily and only 3% well.[635] This led the contemporary observer August Nigol to conclude that, unlike in a more urban setting, in the Governorate of Petersburg, Estonians in Siberia have maintained their nationality and 3rd, 4th or even 5th-generation Estonians still spoke fluent Estonian.[636] Strong and often forced Russian influence began only in the 1930s and after World War II, gradually making the villages bilingual.[637]

Among these who were politically more active, political and religious divisions hindered broader cooperation or support for a common cause. This included political affiliations as well as the extent and forms of nationalism that people sympathised with. Vilms' eugenicist views were not necessarily warmly welcomed. For example, orthodox priest and medical student I. Hermann criticised Vilms and wrote that *Siberi Asunik* had a 'heated nationalist spirit' (*äge rahwusline waim*) and was politically too partisan to win broader support among Estonians in Siberia. He also criticised the fact that the newspaper praised Estonians and blamed Russians and was hostile towards people of the orthodox faith, including many Estonians. Another critic mentioned that the paper was often chauvinist (*marurahwuslik*) and created tension between Estonians and Russians.[638]

The broader political climate, political instability and competing authorities during the Civil War played a major role in the decisions and steps taken and the possibility of addressing wider circles. The activists had to adjust to the changing authorities, to the Bolsheviks and Admiral Kolchak's government, who were both hostile towards national and autonomist activism outside their own political circles. Although Kolchak proposed to some smaller fractions of national movements that autonomy could possibly come under consideration, he mainly did it to weaken the more powerful mainstream national activists. The overarching stance of his government was hostility towards the national demands: it did not recognise autonomous national unions and hindered convening different national meetings. Kolchak's government implemented different

633 Jürgenson, *Siberi eestlaste territoriaalsus ja identiteet*, 192–93, 269; cf. Jüri Viikberg, "Eestlased ja eesti keel Venemaal," in *Eestlased ja eesti keel välismaal*, ed. Kristiina Praakli and Jüri Viikberg (Tallinn: Eesti Keele Sihtasutus, 2010), 532.
634 Jürgenson, *Siberi eestlaste territoriaalsus ja identiteet*, 192–93.
635 Jürgenson, 192–93.
636 Nigol, *Eesti asundused*, 39; Jürgenson, *Siberi eestlaste territoriaalsus ja identiteet*, 192–93; Viikberg, "Eestlased ja eesti keel Venemaal," 529.
637 Jürgenson, *Siberi eestlaste territoriaalsus ja identiteet*, 176–78; Viikberg, "Eestlased ja eesti keel Venemaal," 541.
638 On this polemics see: "Esimine [sic] Ülesiberiline Eesti Kongress. 8. ja 9. sept 1918 a Tomskis, Ülikooli ruumides," *Siberi Asunik*, November 3, 1918; Wilms, "Marurahwuslus"; I. Herman, "Öienduseks," *Siberi Asunik*, December 21, 1918; Rudolf Kuuskmann, "Preester J. Hermani 'õienduse' puhul," *Siberi Asunik*, January 23, 1919.

measures to suppress these movements: used censorship, did not permit discussing political matters at the Estonian Congress, the minutes had to be submitted to the authorities. Bernhard Linde wrote that the authorities considered demands for a Siberian Constituent Assembly and the support of independent Estonia high treason, subject to capital punishment.[639]

Ultimately, the Bolshevik party model succeeded the Estonian experiments with autonomy and national mobilisation as they managed to gain control in Siberia at the end of 1919 and the beginning of 1920. As the first chapter showed, the Bolsheviks rejected the non-territorial autonomy model. Estonian Bolsheviks were working against national enterprises of non-Bolsheviks in Siberia years before.[640] In April 1918, an Estonian group of communists was established in Novonikolaevsk to 'free' the local Estonians from the influence of 'counter-revolutionary elements'.[641] The Bolsheviks tried to gain support in the Estonian settlement communities and published materials addressed specifically to them.[642] Linde wrote that numerous Estonians in the Tomsk oblast were under the influence of Estonian Bolsheviks, many of whom had escaped from Estonia, in particular from Viljandi, and ignored the local Estonian newspaper. Furthermore, in some cases, the Bolsheviks even banned subscription to the paper.[643] Soviet-era studies claimed that the majority of the Estonian minority in Russia started supporting the Bolsheviks during the Civil War,[644] which appears to be an overstatement. However, the attractiveness of some of their promises cannot be underestimated. In the spirit of the decisions taken at the Eighth Congress of the Russian Communist Party in March 1919,[645] Estonian Bolsheviks proposed a much broader program for the settlements on the national question. Not only did they declare the equal rights of all nationalities, but they also promised school education, universities, cultural societies in the mother tongue as well as the allocation of enormous funds (hundreds of millions or even a billion per year) for these national-cultural tasks from the state budget.[646] Furthermore, they referred to the existing institutional framework, which would support

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639 "Uuemad teated Eesti asunikkudest Siberist ja nende wahekorrast Koltshaki walitsusega. Jutuajamine hiljuti Siberist kodumaale jõudnud Bernhard Lindega"; Bernhard Linde, "Koltchak and the Russian Border Peoples," *The Esthonian Review* 1, no. 2 (August 25, 1919): 63–65; Jonathan D. Smele, *Civil War in Siberia: The Anti-Bolshevik Government of Admiral Kolchak, 1918–1920* (Cambridge: Cambridge University Press, 1997), 297–301; Nam and Naumova, "Estontsy tomskoi gubernii," 58.

640 E.[lmar] G.[ross], "Teise Ülesiberilise Eesti Kongressi puhul," *Siberi Asunik*, February 4, 1919.

641 Nam and Naumova, "Estontsy tomskoi gubernii," 57–58.

642 see e.g. Kienthal, *Eesti asunikkudele Wenemaal* (Peterburi: Venemaa Kommunistliku Partei Eesti Osakonna Keskkomitee, 1919).

643 Linde, *Tõusva päikese mailt*, 16–17; On Bolshevik activities see also Ülesiberiline Eesti Liit demokraatlise Wabariigi Eesti Ajutise Walitsusele, Tomsk, 08.03.1919, ERA.957.11.9., p. 31.

644 Maamägi, *Uut elu ehitamas*, 36, 53.

645 Martin, *Affirmative Action Empire*, 2–3, 8; Kienthal, *Eesti asunikkudele Wenemaal*, 11–12.

646 Kienthal, *Eesti asunikkudele Wenemaal*, 4, 6; Üleskutse! Siberi Eesti seltsimehed, talupojad!, 07.05.1920, ERA.2124.2.39, p. 153.

these tasks, and mentioned numerous institutions.[647]

Despite their loyalty declaration to the Soviets, all Estonian organisations, along with the newspaper, were closed by the Estonian section of the Russian Communist (Bolshevist) Party in January 1920.[648] In October 1920, the All-Siberian Conference of Estonian settlers convened in Omsk. Despite numerous similar events held by non-Bolsheviks before, the Bolsheviks claimed it to be the first of its kind and sent their greetings to Lenin.[649]

5. Conclusion

This chapter analysed the demands for non-territorial autonomy put forward by the Estonian activists in Siberia and showed their affinity with the demands of the Siberian regionalist movement. For Estonian activists, national mobilisation more broadly and non-territorial autonomy more specifically functioned as tools to preserve a sense of ethnic belonging and to hinder assimilation. This was a part of a bigger package of political demands which included demanding territorial autonomy for Siberia, and proposed staying in touch with and supporting an independent Estonia. The growth of broader support for these ideas was limited by the divisions between politically less active older agrarian settlers and new politically active refugees and the at times too strongly nationalist rhetoric.

The chapter has also demonstrated that these diasporic Estonian settlements for which Hans Kruus in Estonia and Karl Luts in Petrograd had proposed autonomy, as analysed in the previous chapter, indeed actively discussed the non-territorial autonomy model. In fact, this became one of the central political demands for Estonian activists in the Siberian settlements at that time. The analysis offered in this part of the dissertation is almost entirely unknown episode of the history of non-territorial autonomy and Estonians since the studies into minority rights in Estonia, this episode has never found any treatment.

It is not very surprising that the activists in the Estonian diaspora included the demand for non-territorial autonomy in their political agenda. Since small Estonian settlements were dispersed across large territories and many Estonians did not consider resettlement, autonomy on a non-territorial basis was a logical solution to organise national life. The attempt to start building this from the bottom up before the respective legal framework was in place reflects the chaotic political context during the Civil War and offers a valuable case to the history of non-territorial autonomy.

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[647] Kienthal, 7.
[648] Nam and Naumova, "Estontsy tomskoi gubernii," 60.
[649] Maamägi, *Uut elu ehitamas*, 65; Ärakiri tervitusest Leninile, ERAF.40.1.14, p. 18.

The fact that the experiments with regionalism and non-territorial autonomy were never fully realised in Siberia does not diminish the importance of these ideas. On the contrary, Siberian debates show the extent of the spread of various models of non-territorial autonomy. When Siberia fell under the control of the Bolsheviks, discussions over similar ideas continued in the Far Eastern Republic, which attempted to implement non-territorial autonomy until 1922.[650]

Government response to the Estonian diaspora in Russia and the Russian diaspora in Estonia was ultimately a territorial one—voluntary population exhange. The Tartu Peace Treaty between Soviet Russia and Estonia in February 1920, which ended the Estonian War of Independence, included provisions (Article IV) enabling Estonians residing in Soviet Russia to opt for Estonian citizenship and repatriation – and Russians in Estonia to Soviet Russia. Altogether, roughly 106,000 Estonians in Russia applied for and around 81,000 were granted Estonian citizenship. Out of these, only about a half arrived in Estonia. The reasons for this varied: Soviet authorities hindered resettlement; transferring property and belongings was complicated; in granting citizenship, Estonia was selective in terms of professions and social standing; and job opportunities in Estonia were limited.[651] Furthermore, scholars have stressed that the young state of Estonia which was undergoing a process of consolidation had very limited means to organise such a vast process. The fact that repatriation was possible only during a few years and at this time, the New Economic Policy and a relatively liberal nationalities policy of Soviet Russia injected optimism about the future of Russia also played a role in making a decision to migrate.[652] All of the main autonomy activists in the Estonian community in Siberia analysed in this chapter – Linde, Kuuskmann, Vilms – opted for Estonian citizenship and moved back to Estonia. For these activists, advocating non-territorial autonomy was rather a short episode of their lives when they spent time in Siberia and they were not involved later in interwar parliamentary politics in drafting the Law on Cultural Self-Government. However, in the 1920s and the 1930s in Estonia, there was a strong interest in Estonian communities abroad, including the ones in Russia. As an expression of this interest a special organisation that dealt with these communities (*Välis-Eesti Ühing*) was established and numerous publications (e.g. periodicals such as *Välis-Eesti Almanak*) and articles dedicated to Estonian diaspora were published. Several figures who had been active in Siberia participated in these activities.

[650] Sablin, *Rise and Fall*.
[651] Rohtmets, "Repatriation of Estonians," 180; Helen Rohtmets-Aasa, *Eesti Vabariigi sisserändepoliitika aastatel 1920-1923*, Dissertationes historiae Universitatis Tartuensis 33 (Tartu: Tartu Ülikooli Kirjastus, 2014), 139–40.
[652] Rohtmets-Aasa, *Eesti Vabariigi sisserändepoliitika*, 141–42.

Chapter 5 Baltic-German and Jewish Projects and Perspectives in the Great Transformation 1918-1919

1. Introduction

What does a ruling elite do when an empire, whose autocratic ruler was the very guarantor of their power and privileges, ceases to exist? What does the ruling elite do when democratic nation-states are forming in the region where their dominance had for centuries been justified by their honour as a nobleman, cultural superiority, and the system of estates? The outbreak of the First World War pitted the Baltic German elites' *Mutterland*—the German Empire—against their *Vaterland*, the Russian Empire.[653] These developments indeed put this group in a very complicated situation. Since Germany was the enemy of Russia, and Baltic Germans were seen as a potential threat, their organisations were banned and German-language printing in Russia was prohibited. As the Imperial German forces approached, numerous German leaders from the Baltic provinces were forcefully deported to the inner parts of Russia.[654]

Furthermore, the historical rulers of the provinces—the knighthoods—were rendered obsolete when the Russian Provisional Government issued an decree in spring 1917 creating an Estonian Governorate with its own autonomous institutions and a democratically elected Diet (*Maapäev*). During this time, numerous possible future scenarios for the Baltic space were on the table. On February 24, the Committee of Elders of the Estonian Provincial Assembly declared Estonia independent; at that time, this was hardly more than a symbolic act. Possible scenarios aside from independence were Soviet rule or becoming part of Germany.[655] In these rapidly evolving events, in January 1918, the Knighthoods of Estland and Livland presented the Soviet representative in Stockholm with their own declarations of independence, evoking the principle of self-determination promised by Lenin.[656] These changes triggered not only the question of the role Baltic Germans as a group but also the question of the position of nobility in the changing world.[657]

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653 Ea Jansen, "Kodu ja isamaa," in *Eestlane ja tema maa: Konverentsi "Kodumaa ja kodupaik: eestlase territoriaalne identiteet" (16.-17. november 1999) materjale* (Tallinn: Ajaloo Instituut, 2000), 41; Karsten Brüggemann, "Von der führenden Schicht zur nationalen Minderheit: zur Klärung der Rolle der estländischen deutschen Minderheit bei der Begründung der Republik Estland 1918-1919," *Nordost-Archiv* IV/2 (1995), 454.
654 Lohr, *Nationalizing the Russian Empire*; Must, *Muutugu ja kadugu! baltisakslased ja Esimene maailmasõda.*
655 Brüggemann, "Von der führenden Schicht zur nationalen Minderheit," 455.
656 Brüggemann, 457.
657 Dina Gusejnova, *European Elites and Ideas of Empire, 1917–1957* (Cambridge: Cambridge University Press, 2016).

The questions that arose among Jewish communities in Estonia at the same time have many similarities yet also important differences with the Germans.[658] What does a discriminated group do when, during the war years, even stricter measures are implemented? What did Russia's Jews do when the regime which had implemented discriminatory policies crumbled and hope for reform emerged? What then, when the very state collapsed and, instead of a vast empire, small nation-states emerged? Amid the dramatic changes during the war and in its aftermath, which influenced almost all spheres of life, the Jewish experience was profoundly affected and transformed as well. Jonathan Frankel has written about how the Jews of Europe experienced the shifting fronts, expulsions, pogroms, but also stronger self-organisation, relief work, and broader politization during and in the aftermath of the First World War. These broader processes triggered stronger formulations of political agendas and the emergence of modern Jewish politics, whether Zionist or non-Zionist.[659] Indeed, amid this political chaos, the Jews of Russia underwent a process that Kenneth Moss has described as a renaissance, an attempt to tailor a modern secular Jewish culture.[660]

The starting points of Baltic Germans and Russian-Baltic Jews could not be more different. One of the core elements of Baltic German identity was an emphasis on their special role in the Baltic provinces and tracing their presence back many centuries. Jews in the Baltic provinces and in particular in the Estonian area were a relatively new ethno-religious group which had formed only in the second half of the nineteenth century. On the level of identity, being a part of a broader Russian or East European Jewry played a far greater role than being a Jewish community in the Baltic region. Baltic Germans had been the local economic, cultural, and political elite of the region while Jews had been a minority in the Russian Empire that had experienced harsh legal discrimination and even pogroms in some parts of the empire. There was a German state, a kin-state upon which the Germans could at least theoretically rely—and ultimately, the sympathy of Baltic Germans gradually shifted from Russia to Germany. Jews, on the contrary, had no Jewish state backing them when needed. The February Revolution was a deadly blow to the privileges of the German elites, yet promised a new era of freedom for the Jews.

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[658] In a similar vein, recent studies have looked into the experience of these two groups in the context of different states: Marina Germane, "Exercising Minority Rights in New Democracies: Germans and Jews in Interwar Poland, Romania, and Latvia," in *Sovereignty, Nationalism, and the Quest for Homogeneity in Interwar Europe*, ed. Emmanuel Dalle Mulle, Davide Rodogno, and Mona Bieling (London: Bloomsbury Academic, 2023).

[659] Jonathan Frankel, "The Paradoxical Politics of Marginality: Thoughts on the Jewish Situation During the Years 1914-21," in *Studies in Contemporary Jewry: Volume IV: The Jews and the European Crisis, 1914-1921*, ed. Jonathan Frankel, Peter Y. Medding, and Ezra Mendelsohn (Bloomington: Institute of Contemporary Jewry, Hebrew University of Jerusalem, 1988), 3–21.

[660] Kenneth B. Moss, *Jewish Renaissance in the Russian Revolution* (Cambridge, Mass: Harvard University Press, 2009); see also Delphine Bechtel, *La Renaissance culturelle juive en Europe centrale et orientale 1897 - 1930: langue, littérature et construction nationale* (Paris: Belin, 2002).

While the Jewish and German experiences in the late tsarist empire were different, the policies they experienced during the First World War had some similarities. Imperial authorities saw both as potential enemies, deported them, restricted the work of their organisations, and introduced restrictions on the press in their languages. Furthermore, the ethno-territorial administrative structure or nation-state principle advocated by Estonian and Latvian national activists did nit reflect the interests of Germans and Jews who were both dispersed across the Baltic provinces and the empire. A further important similarity and one of the reasons why these two groups set up their self-governments was deeper historical experience with self-government. Baltic German nobility had for centuries a specific noble self-government, and the projects analysed here drew on this tradition. Jews as an ethno-religious group had a long historical tradition of autonomy as well, which, as some historians have argued, remained both a living tradition and a practice.[661]

The previous chapters showed how a project to reform the provincial administration at the eve of the First World War integrated elements of non-territorial autonomy by proposing forms of national curiae. They also showed how Estonian national activists advocated territorial autonomy for the Estonian territories and how this demand was complemented with non-territorial autonomy demands for the Estonian diaspora throughout the empire. At the turn of 1917 and 1918, this demand transformed into something offered for ethnic minorities within the Estonian political entity, the Estonian nation-state.

The aim of this chapter is to trace the perspectives and challenges for Germans and Jews during these transformative years. This chapter focusses on these two groups for several reasons. Only these two minority groups put the 1925 autonomy law into use and established their own self-governments. Scholars have stressed the importance of German advocacy for the law, yet intellectual developments in the crucial transformation years have not been analysed. Along the same line, the Jewish minority has been considered a mere "unintended beneficiary" of the autonomy provisions, and their own advocacy and conceptualisation of autonomy has found very little attention.[662] Yet, as the first chapter showed, in the Russian Empire it was foremost the Jews who advocated non-territorial autonomy. In the German case, I will focus on alternative visions to the nation-state model put forward in the tumultuous years of the collapse of the Russian Empire and the emergence of the Estonian and Latvian nation-states. Specific focus will be on

[661] Liebman, "Ajaloolised ja kultuurilised eeldused," 127–33.
[662] Anton Weiss-Wendt, "Thanks to the Germans! Jewish Cultural Autonomy in Interwar Estonia," *East European Jewish Affairs* 38, no. 1 (April 1, 2008): 89–104.

two projects that have been mentioned in scholarly literature in passing but have found no detailed analysis in the context of later cultural autonomy provisions.[663]

This chapter investigates the role of the non-territorial autonomy model in these projects. A closer analysis of these projects shows that, in some of these alternative visions drafted by conservative Baltic German noblemen, non-territorial autonomy was presented in the purest form in the Baltic context as activists tried to avoid establishing states based on the ethno-territorial principle. These developments are particularly important regarding the history of non-territorial autonomy theory, as it took place in the broader development from multi-ethnic empire to nation-states and the crumbling of existent power structures. Closer analysis of these crucial years and the role of non-territorial autonomy demands is missing from scholarly literature so far. The discussions analysed in the chapter are part of broader processes in Europe in the aftermath of the war, when the formation of states not only negotiated their borders but also the status and rights of different nationalities within them.[664]

In the Jewish case, due to a lack of scholarship, and at times also the poor coverage of primary and archival sources, this chapter traces some of the broader trends, such as organising the community, modernisation, and the national question. The chapter also zooms into some episodes, such as autonomy discussions among Jewish students and the elections to the All-Russian Jewish Congress, which will help shed light on the main questions of this chapter and which are covered with sources. The core, however, is the Congress of Jewish Communities of Estonia in May 1919, which took place at the very same time with negotiations over minority protection at the Paris Peace Conference—a key event in Jewish political mobilisation and the expression of political demands in independent Estonia.

During the period from roughly the end of 1917 until summer 1919, which this chapter covers, the events in Estonia were largely shaped by military conflict and great power politics. Although Estonia had declared independence in February 1918, the islands and southern parts of Estonia were already under the military control of the German Reich, and Tallinn fell under their control only a day later. Meanwhile, after negotiations, in March 1918, the Central Powers and Russia signed the Brest-Litovsk peace treaty which surrendered the western territories of Russia to German control. Furthermore, with a supplementary treaty from August, Russia signed away sovereignty over Estland and Livland. German occupation lasted until November 1918 when the German empire collapsed in the November Revolution.

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663 Taube, "Von Brest-Litovsk," 216.

664 Roshwald, *Ethnic Nationalism*, 156–97; Volker Prott, *The Politics of Self-Determination: Remaking Territories and National Identities in Europe, 1917-1923* (Oxford: Oxford University Press, 2016).

Meanwhile, politicians, military leaders, and intellectuals in the Reich discussed a possible annexation of the Baltic provinces by Germany. Baltic German organisations in Germany, such as the *Baltischer Vertrauensrat*, lobbied for the annexation and colonization of these lands by Germans.

Although Lenin had declared the right of secession and the formation of separate states to all peoples of Russia, soon after the German army had left the Estonian territories, in late November 1918 the Red Army invaded Estonia with the aim to incorporate those territories into Soviet Russia. Although the nascent Estonian army pushed the Bolsheviks out from Estonia during the first months of 1919, it was in February 1920 when Estonia and Soviet Russia signed the Treaty of Tartu with which Soviet Russia recognised Estonian independence. Furthermore, in summer 1919, Estonian units fought against the German Freikorps and the Landeswehr in Latvia, who aimed to restore the former rule of the Baltic German nobility.

2. Baltic Germans in the transformation

A conservative Baltic German vision: the Baltic Duchy

During and after the First World War, several proposals were made for various broader regional political unions. These proposals were either one form of self-determination of peoples, as a tactical step to secure it, or an alternative to the principle of national self-determination. As we saw above, one of the first Estonian projects advocating secession from Russia, drafted by Gustav Suits, proposed not a separate Estonian nation-state but a Finnish-Estonian union. Heinrich von Stryk, a Baltic German nobleman, lobbied for a model where the Baltic provinces would be in some form united with Sweden.[665] In summer 1919, Count Hermann von Keyserling advocated a Baltic state designed after the example of Belgium.[666] Furthermore, after achieving independence, the idea of a Baltic League advocated by the national elites of Baltic states circulated, which also demonstrates an important strand in this regionalist thinking.[667]

The war aims of the German *Reich* evolved considerably over time and numerous, partially conflicting parallel strategies existed.[668] With regard to the question of the future of the Baltic provinces, various political projects were put forward not only by German imperial authorities and

[665] Aleksander Loit, "Baltisaksa rüütelkondade seisukohad ja tegevus Eesti iseseisvumisel 1918-1920," *Tuna*, no. 4 (2006): 55.
[666] Jaan Undusk, "Eesti kui Belgia: viimane baltlane Hermann Keyserling," *Tuna*, no. 2 (2003): 48–78; for a recent monograph on Keyserling's work see: Gusejnova, *European Elites*.
[667] see e.g. Marko Lehti, "The Dancing Conference of Bulduri: A Clash of Alternative Regional Futures," 2011; Piirimäe, "Federalism in the Baltic."
[668] Klaus Richter, *Fragmentation in East Central Europe: Poland and the Baltics, 1915-1929* (Oxford-New York: Oxford University Press, 2020), 17.

influential Baltic German circles in the provinces but also by the Baltic German émigrés in the *Reich*. The main goal of all these projects was to guarantee German dominance in the region. Germanising these territories had been a political goal of some circles of Baltic Germans already before the outbreak of the First World War. One of the campaigns along these lines was to bring German colonists to the Baltic provinces. By 1914, around 16,000 Germans had been resettled from the other parts of Russia to Courland.[669] Many polemical writings by Baltic German authors published in Germany with the aim to influence German policy towards the Russian western territories called for the annexation of the provinces and described Estonians and Latvians as culturally and politically inept.[670]

In considering the incorporation of the Baltic Provinces into German Empire, Baltic German elites preferred a special status in orde to preserve their dominance. Erich von Oettingen wrote that some circles opposed annexation in the form of turning the Baltic provinces into a regular *Reichsland* or province of Prussia. These circles argued that since Prussia had already introduced universal (male) suffrage, such incorporation would also mean the introduction of universal suffrage in the Baltic provinces. They considered it to be dangerous for the position of the numerically small Baltic Germans.[671] Furthermore, a closer incorporation into the German Empire would have meant that the imperial Reichstag would have had too much control over the internal affairs of the Baltic provinces.[672] Instead, other possible models, such as creating a united Baltic state and installing a separate ruler for it, became the main goal.

The main project similar to these indeas is known as the United Baltic Duchy (*Vereinigtes Baltisches Herzogtum)*. The plan consisted in uniting the Baltic provinces into one state (*Baltischer Einheitsstaat)* with its own monarchic head. Eduard von Dellingshausen, the head of the Knighthood of Estland, has argued in his memoirs that the project proposed the division of the future the state into five to seven ethnic cantons (*Kantone*). Von Dellingshausen wrote that the leading Baltic German politicians were aware that Estonians and Latvians would prefer to have their own separate states. However, Baltic German politicians hoped that this kind of solution, where Latvians and Estonians would have autonomy in the cantons, could also gain support among them because of the high costs of maintaining two state apparatuses and the potential economic benefits of a bigger state. He justified German support for a monarchic solution with

669 Graf, *Eesti rahvusriik*, 248.
670 Margo Roasto, "Baltisaksa publitsistika rahvusküsimusest ja eesti ajakirjanduse vastukajad sellele aastatel 1914–1916," in *Esimene maailmasõda ja Eesti II*, ed. Tõnu Tannberg, Eesti Ajalooarhiivi toimetised, 24 (31) (Tartu: Eesti Ajalooarhiiv, 2016), 328–48.
671 Erich v. Oettingen: Tagebuch eines Livländers, 1917–1920. Das Baltenland unter Deutscher Herrschaft. Erster Band. Von der Eroberung Rigas bis zu Befreiung Liv- und Estlands durch die deutsche Truppen. August 1917-März 1918, DSHI 190 Livland 33, 11d, p. 19.
672 Dellingshausen, *Im Dienste*, 233.

the argument that a non-partisan monarch would be more suitable to handle the interests of the units of the state and the nations in it than a head of a government emerging via elections.[673] Arved von Taube has aptly described this project as a *Ständestaat*—a state of corporations.[674] This state would have been a part of the German Empire via personal (or real) union. Although the state would have been de facto multi-ethnic, the main advocates of this state aimed to preserve Baltic German superiority over Estonians and Latvians. German had to be the main language of the state and Baltic Germans were designated to carry the leading role in this future political entity.[675]

This vision evolved over time and different activists tried to draft their own projects. In March 1918, a historian, newspaper editor, and press officer of the *Landeswehr*, Ernst Seraphim, drafted an ultraconservative project which was almost entirely unwilling to accommodate the national demands of Estonians and Latvians. Seraphim proposed creating a constitutional-monarchic state encompassing the three provinces which would be in a personal union with the King of Prussia. The name of the envisioned state, inspired by the Middle Ages, would have been the Livonian Kingdom (*Königreich Livland*). The project rejected full language equality of German, Estonian, and Latvian. The maximum he conceded was that one could contact municipal governments in these two native languages. The general idea was to constitutionally guarantee the German character of the land, meaning that German had to be the language of administration and the language of education. Only in lower-level schools was he reluctantly willing to permit schooling in Estonian or Latvian. Any other option, Seraphim argued, would undermine the unity and coherence (*Einheit und Geschlossenheit*) of the land and lead to a dangerous language parity which would ultimately lead to language fight like in Bohemia. Any division of the state into national-territorial units (meaning Estonian and Latvian) was entirely excluded since it would undermine German dominance and, as Seraphim argued, would only feed chauvinist Estonians and Latvians. Since there were no preconditions for an equal vote, he proposed that only male citizens over 25 paying taxes above a certain threshold could vote. In order to further bolster the Germanness of the state, Seraphim proposed mass German colonisation. In order to facilitate the colonisation process, and to suppress any opposition to this state by Estonians and Latvians, in the early phase, the kingdom had to be governed dictatorially (*diktatorisch*).[676]

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673 Dellingshausen, 288.

674 Arved Freiherr von Taube, "Nationale Demokratie, sozialistische Arbeiterkommune oder gesamtbaltischer Ständestaat?," *Baltische Hefte*, no. 1 (1959).

675 Michael Garleff, "Die Deutschbalten als nationale Minderheit in den unabhängigen Staaten Estland und Lettland," in *Deutsche Geschichte im Osten Europas: Baltische Länder*, ed. Gert von Pistohlkors (Berlin: Siedler, 1994), 465–66; Taube, "Von Brest-Litovsk," 106; Dellingshausen, *Im Dienste*, 289.

676 A. [sic; more likely Ernst]. Seraphim, "Gedanken über die baltische Zukunft", Mitau, März 1918, ERA.495.10.10, pp. 1-15.

Other projects were somewhat more liberal compared to Seraphim's ultra-conservative vision, yet far from the democratic demands of Latvians and Estonians. A constitutional project for the United Baltic Duchy sheds more light on dominant understanding among conservative elites, and to the internal structures of the proposed state and how it aimed to preserve the dominance of the Baltic German minority.[677]

The draft proposed that the deputies to the first chamber of the legislative body of the proposed Baltic state, the Senate (*der Senat*), were to be sent by different organisations, such as universities, chambers of commerce, and big land-owners. However, a considerable number of deputies (thirteen out of sixty-five) were to be appointed by the monarch (§ 22). In the second chamber, the Baltic Diet (*Baltischer Landtag*), only one fourth of the seats were to be filled via general, equal, direct, and secret voting (§ 24). The rest of the seats, three quarters of the Baltic Diet, were to be filled indirectly by deputies elected by city councils (*Stadtverordnetenversammlung*), by "municipal and provincial experts,"[678] and by the electoral assemblies of the manor districts of the rural areas (§§ 25–28). However, only property owners and individuals who paid a certain amount of taxes were able to elect the city councils and only the owners of a manor (*Rittergut*) were able to elect delegates from the manor districts. Hopes of establishing such a state under the auspices of Germany were quashed when, on October 20, 1918, the *Auswärtiges Amt* changed their policy and abandoned the idea of personal union.[679] The final blow to this project was the collapse of the German *Reich* in November 1918.

Wars of independence were a watershed moment that crystallised the two main camps among the Baltic Germans. Numerous Baltic Germans established the Baltic Regiment (*Baltenregiment*) to fight on the side of the newly created Estonia against the invading Bolshevik forces. In November 1918, the power dynamics among the Baltic Germans altered and bourgeois and non-noble politicians such as Max Bock (1885-1948) and Harry Koch (1880-1939) emerged as their leaders.[680] Werner Hasselblatt (1890-1958), one of the main activists who later campaigned for cultural autonomy in Estonia, was one of the founding members of the regiment.[681] In 1918, the liberal Baltic German politician Paul Schiemann from Riga warned against the proposals of conservative Baltic Germans to Germanize the Baltic provinces and argued that it would only add new tensions between Baltic Germans and Estonians and Latvians. Paul Schiemann's uncle

[677] Grundzüge für eine kommunale und parlamentarische Verfassung des Baltenlandes, ERA.957.1.306, pp. 106-112.
[678] This category of 'municipal / district / provincial experts' (Abgeordneten des Wahlverbandes der kommunalen Erfahrung) included individuals who were at least 40 years old and who had held an elective office in municipal, provincial, district or city administration for at least five years, see §9. This curia was proposed by Eduard von Bodisco Taube, "Von Brest-Litovsk," 107.
[679] Hiden, *Defender of Minorities*, 35.
[680] Brüggemann, "Von der führenden Schicht zur nationalen Minderheit," 463.
[681] Werner Hasselblatt, Erinnerungen, 1953, DSHI 140 Balt 488, pp. 15-16.

Theodor Schiemann was a friend of the Emperor Wilhelm II and he was among writers who supported the annexiation of Baltic provinces by Germany.[682]At that time, Paul Schiemann saw Estonians and Latvians as politically immature and prone to radical Bolshevist ideas. His own sympathy belonged at that time to some form of a united Baltic state where Estonians, Latvians, and Germans would democratically elect deputies within their own curiae. This would have been, in Schiemann's understanding, an interim system until implementing full democracy when the populace had politically matured. However, unlike conservative circles, Schiemann was committed to supporting the independence of the Baltic states, and during the interwar years he was one of the leading democrats and liberals in Latvia.[683]

The second camp was concentrated around the Baltic *Landeswehr*. This was also a voluntary military unit which was comprised of conservative Baltic Germans with the aim to fight against the Bolsheviks. At the same time, it was designed as the defence unit of the planned Baltic Duchy and thus also fought against the Estonian and Latvian armies.[684] In these circles, the idea of a united Baltic state continued to circulate until the Paris Peace Conference and up to the point when the *Landeswehr* was defeated by Estonian forces in summer 1919.

What role did the non-territorial autonomy model play in the discussions analysed above? In these tumultuous developments, the concept of "cultural autonomy" was occasionally used as a slogan or instrumentalised for some broader political goal. For instance, at the end of 1917, Johan Pitka, one of the leading Estonian officers, met Baron Dellingshausen, the head of the Knighthood of Estland, to ask for some material help in creating the Estonian national military units. In his memoirs, Pitka quotes Erhard Dehio's answer to this suggestion as follows: "Do not think that you can get anything but cultural autonomy, because it is impossible that the German state, under which the Baltic lands will surely eventually fall, will allow a small nation more independence on its border, where there will be a whole series of fortifications."[685] This shows how in these political discussions, cultural autonomy was seen as a weaker and less dangerous alternative to national-territorial self-determination. Instrumentalization of the concept of national self-determination is demonstrated by the petition campaign organised from Berlin at the beginning of 1918l before imperial German forces managed to acquire control of the Estonian territories. The aim of the

[682] Ludmila Gelwich, *Theodor Schiemann und die deutsche Russlandpolitik 1887-1918: Politische Publizistik als patriotische Pflicht* (Padeborn: Brill Schöningh, 2022), 295–316; Klaus Meyer, *Theodor Schiemann als politischer Publizist* (Frankfurt am Main ; Hamburg: Rütten & Loening, 1956), 213–44.
[683] Paul Schiemann, "Über die Aussichten des baltischen Staates," *Preußische Jahrbücher*, no. 173 (1918): 305–19; Taube, "Von Brest-Litovsk," 108; Hiden, *Defender of Minorities*, 29–39.
[684] Jürgen von Hehn, "Der baltische Freiheitskrieg. Umrisse und Probleme," in *Von den Baltischen Provinzen zu den Baltischen Staaten: Beiträge zur Entstehungsgeschichte der Republiken Estland und Lettland 1919-1920*, ed. Jürgen von Hehn (Marburg/Lahn: Herder-Institut, 1977), 8.
[685] Johan Pitka, *Minu mälestused 1914-1920: Suure Ilmasõja algusest Eesti Vabadussõja lõpuni* (Tallinn: Olion, 1993), 21; for Dellingshausen view see: Dellingshausen, *Im Dienste*, 244.

campaign was to show that Estonians longed for German control over these territories. This campaign was largely organised to legitimise this military control, but also because national self-determination had emerged as such an important principle which could not simply be ignored. One condition in these petitions was that Germany would grant Estonians cultural autonomy.[686] The end of 1917, shortly before German forces invaded the Estonian mainland, was also probably the first time when some Estonian and German representatives discussed cultural autonomy during informal meetings. While German leaders such as Baron Maydell made explicit proposals for non-territorial cultural autonomy, it was foremost a proposal from a power position amid the approaching German army to explore the political positions of Estonians.[687]

The rest of the chapter will analyse some of these projects which proposed establishing a Baltic state after the collapse of the German *Reich* and which included the principle of non-territorial autonomy. In these watered-down follow-up projects to the Duchy, non-territorial autonomy provisions for the German ethnic group were increasingly present.

Proposing a Baltic State: Baltic Germans as a "selbstständige Nation" and an "autonomer Freistaat"

A document worth closer analysis is the petition prepared in February 1919 for the Paris Peace Conference. It was drafted by Baron Eduard von Bodisco in the name of the Baltic German National Committee (*Nationalausschuss*).[688] Bodisco (1863-1940) had studied law and economics in Tartu and Berlin and later held several positions in the Estonian Knighthood. Most importantly, for several years he was the secretary of its taxation committee.

The starting point of his petition is a peculiar melange of two principles. Namely, Bodisco combined the right of the self-determination of peoples, which had become one of the major principles in reorganising postwar Europe, and the principle of historical rights, which the Baltic German noble corporations had used to justify their political and cultural dominance in the region for centuries. For Bodisco, historical rights meant that Baltic Germans had carried a special role (*die Sonderstellung des baltischen Deutschtums*) as "the colonisers [*Kolonisatoren*] who had brought culture

686 Laaman, *Eesti iseseisvuse sünd*, 213–14; Mihkel Kattai et al., eds., *Eesti Vabadussõda 1918-1920. I osa* (Tallinn: Vabadussõja Ajaloo Komitee, 1937), 98; for more recent account on the petition campaign see Mart Kuldkepp, "Rahvusliku enesemääramise kaudu Saksamaa külge: eestlased anneksionistliku Saksa poliitika sihtmärgina 1918. aasta okupatsiooni eel," in *Esimene maailmasõda ja Eesti II*, ed. Tõnu Tannberg, Eesti Ajalooarhiivi toimetised, 24 (31) (Tartu: Eesti Ajalooarhiiv, 2016), 387–95.

687 W. v. Maydell, "Nationale Kulturfreiheit," *Rigasche Zeitung*, November 12, 1918; Michael Garleff, *Deutschbaltische Politik zwischen den Weltkriegen: die parlamentarische Tätigkeit der deutschbaltischen Parteien in Lettland und Estland* (Bonn-Bad Godesberg: Verlag Wissenschaftliches Archiv, 1976), 105; Kuldkepp, "Rahvusliku enesemääramise kaudu Saksamaa külge: eestlased anneksionistliku Saksa poliitika sihtmärgina 1918. aasta okupatsiooni eel," 404–5.

688 Abschrift: Denkschrift für die Friedenskonferenz. Überreicht vom Deutsch-Baltischen Nationalausschuss, Februar 1919, DSHI 190 Livland 33, 11, 6_102

to the region" by educating and Christianising the uneducated pagans, and defended it for centuries against powerful enemies. Bodisco even described the Baltic Germans as defenders of the region against interference from the Slavic world, and as the actual forefathers of Estonians and Latvians since they had secured the region which made the development of these nations possible.[689]

Bodisco complemented these ideas with a certain hierarchised understanding of nations. He argued that Estonians and Latvians had been a mass of peasants and had only recently developed national consciousness and so did not have their own long-standing intelligentsia. Thus, their aims were rather egoistic and chauvinistic. In contrast, Bodisco argued that Baltic Germans, who had a long-lasting experience of governance of the region, were capable of seeing the region as a whole and were interested in more than the wellbeing of only one ethnic group.[690] Bodisco argued that initially Estonians and Latvians were unsuccessful in defending the land against the Bolsheviks whereas the Baltic Germans acted as the "spiritual leadership (*geistige Führerschaft*)" and formed the *Landeswehr* to defend the territory.[691] Emphasising this historical cultural and political mission was a rhetorical strategy to advocate their own political goals against the background of a changed political arena. It redressed the principle of historical rights in the language of self-determination, which had become one of the cornerstone principles of postwar Europe.

Based on their historical-cultural and military role, Baltic Germans had, in Bodisco's understanding, a right to self-determination. He rejected implementing the principle "to the full extent" in the form of establishing one's own Baltic-German territorial state. "The Baltic Germans do not live spatially close to each other, but are spread all over the country,"[692] Bodisco argued that, therefore, this mode of self-determination was not applicable to the Baltic Germans. Although the numerically dominant nationalities had the right to exercise their right for self-determination in case there were ethnic minorities, this right had to be limited. More specifically, he mentioned the "recognition of the national natural law of this minority (*Anerkennung des völkischen Naturrechts dieser Minderheit*)" and argued that minorities must be protected within the state. This kind of recognition and provision of legal protection was in Bodisco's understanding the very essence of self-determination.[693]

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[689] Abschrift: Denkschrift für die Friedenskonferenz. Überreicht vom Deutsch-Baltischen Nationalausschuss, Februar 1919, DSHI 190 Livland 33, 11, 6_102, pp. 1-3.
[690] Abschrift: Denkschrift für die Friedenskonferenz. Überreicht vom Deutsch-Baltischen Nationalausschuss, Februar 1919, DSHI 190 Livland 33, 11, 6_102, p. 5.
[691] Abschrift: Denkschrift für die Friedenskonferenz. Überreicht vom Deutsch-Baltischen Nationalausschuss, Februar 1919, DSHI 190 Livland 33, 11, 6_102, p. 6.
[692] Abschrift: Denkschrift für die Friedenskonferenz. Überreicht vom Deutsch-Baltischen Nationalausschuss, Februar 1919, DSHI 190 Livland 33, 11, 6_102, p. 7.
[693] Abschrift: Denkschrift für die Friedenskonferenz. Überreicht vom Deutsch-Baltischen Nationalausschuss, Februar 1919, DSHI 190 Livland 33, 11, 6_102, p. 7.

For Bodisco, the core of the right of self-determination, the "most natural of all rights (*natürlichstes aller Rechte*)" was the analogy between an individual and a group. He argued that "just as every individual has a right to freely craft their own identity, so a people or a tribe has the individual right—according to its will, its character—to shape its own destiny." The exact model of implementing this principle depended upon the specific context: "[when, if] the balance of power suffices, then this must be done through the formation of national states; if not, through minority protection." Thus, minority protection (*Schutz der Minderheit, Garantie für die Minderheit*) was in Bodisco's understanding only a different application of the principle of self-determination.[694]

This form of self-determination was to be implemented within one state. From the perspective of the state, such an intra-state self-determination could be harmful for its coherence. Bodisco fully agreed that self-determination should not be in conflict with the interests of the state. This, however, was in his opinion not the case, since the form of self-determination that the Baltic Germans demanded was restricted to cultural affairs with the rights to finance their activities.[695] One can, however, question whether the powers Bodisco listed, and which also included Baltic German units within the army, were merely of a cultural nature. Within these cultural and economic questions, the minority had to be fully autonomous. In these questions, the state had the right to be informed by the activities of the minority but had no right to veto its decisions on these matters.[696]

Bodisco's central demand was that the Baltic Germans would have a right to establish autonomous bodies with legislative and administrative functions (*gesetzgeberische und verwaltende Organe*). The powers of these organs included the right to establish, maintain, and support various cultural associations, in particular educational ones; the right to establish and maintain congregations; the right for various economic measures to support the German minority; the right to have courts for the members of the Baltic German minority for civil affairs; the right to levy taxes on the members of the German minority; and finally the right to appoint delegates to participate in the meetings of the state government but also in other administrative organs (e.g., municipalities where Germans were present), all in order to defend the interests of the German minority.[697] What catches one's attention in this catalogue of powers is the demand for separate

[694] Abschrift: Denkschrift für die Friedenskonferenz. Überreicht vom Deutsch-Baltischen Nationalausschuss, Februar 1919, DSHI 190 Livland 33, 11, 6_102, p. 7.
[695] Abschrift: Denkschrift für die Friedenskonferenz. Überreicht vom Deutsch-Baltischen Nationalausschuss, Februar 1919, DSHI 190 Livland 33, 11, 6_102, pp. 7-8.
[696] Abschrift: Denkschrift für die Friedenskonferenz. Überreicht vom Deutsch-Baltischen Nationalausschuss, Februar 1919, DSHI 190 Livland 33, 11, 6_102, p. 9.
[697] Abschrift: Denkschrift für die Friedenskonferenz. Überreicht vom Deutsch-Baltischen Nationalausschuss, Februar 1919, DSHI 190 Livland 33, 11, 6_102, p. 9.

Baltic German courts for civil affairs. The demand for an ethnically segregated judiciary is clearly derived from an estate-based understanding of society and could hardly find acceptance from the main architects of Estonian and Latvian republics who were at that point very much influenced by liberal and socialist ideas.

In addition to the powers that the autonomous Baltic German bodies were to have, Bodisco put forward the demand to have a separate minister for German affairs. Bodisco also listed the need for language rights, such as the right to use German in minority organisations and municipalities and in communicating with the state. He also added that there should be a separate German unit in the defence forces with its own German officers and German as the language of command for the unit. While in his project Bodisco did not write that the unit should be somehow subjugated to autonomous institutions, it is nevertheless part of the broad package of rights that he demanded demonstrates a certain illiberal undertone of the project.[698]

The activists envisioned their ethnic group and its representative bodies to possess its own sovereignty and strong authority. They used language and terms usually reserved for states, but applied to their own ethnic group. First, they demanded that the Paris Peace Conference recognise the Baltic German National Committee as their representative organ (*Vertretungsorgan*). This demand shows how the Baltic Germans did not only want to be a legally recognised minority with certain rights within a state but a legally recognised corporation on the international arena. The second demand that Baron Bodisco put forward in his petition was that the Paris Peace Conference had to recognise that the Baltic-German National Commitee had the right to convene a constituent assembly (*verfassungsgebende Versammlung*) which would decide upon the "constitution of the German people in the Baltics (*Verfassung der deutschen Bevölkerung im Baltenlande*)."[699] This very much evoked the principle of constituent assembly that had become so important in modern European history and also during the Russian February Revolution when both the call for an All-Russian, but also calls for regional-national constituent assemblies emerged, drawing on the principle of self-determination. The crucial difference, however, is that the usual understanding of a constituent assembly sees it as a body encompassing representatives of the entire state or a territorial unit. Bodisco's vision, however, would have encompassed only one ethnic group. Another principle that becomes visible from his project is the demand for separate provisions for Germans compared with a system where there is a single corpus of law for all nationalities. Furthermore, Bodisco's point of departure was that each ethnic group would decide separately

[698] Abschrift: Denkschrift für die Friedenskonferenz. Überreicht vom Deutsch-Baltischen Nationalausschuss, Februar 1919, DSHI 190 Livland 33, 11, 6_102, p. 10.
[699] Abschrift: Denkschrift für die Friedenskonferenz. Überreicht vom Deutsch-Baltischen Nationalausschuss, Februar 1919, DSHI 190 Livland 33, 11, 6_102, p. 10.

what kind of legal provisions they would need to have, as opposed to a system where the entire society, or representatives of the entire society, would negotiate and agree on common legal measures. This principle in Bodisco's project might have some distant echo of imperial and pre-modern strategies of finding separate arrangements for different parts and groups of the state. However, the idea of having a separate autonomy law for each ethnic group within a democratic state was also an idea circulating in the 1920s in Estonia and Latvia. As we will see later in this chapter, in Estonia, Bodisco proposed an autonomy law only for Estonia's Germans. Also in Latvia, the Baltic Germans and one of their leaders, Paul Schiemann, initially advocated a separate autonomy law for Germans only.[700]

Regarding the legal ways to safeguard these rights, Baron Bodisco proposed three handles. First, there was a demand that the rights of Baltic Germans should be internationally guaranteed by the Peace Conference by including it into the minutes which decide upon the future organisation of the Baltics. Second, he argued that minority rights should be under the protection of the League of Nations. And ultimately, those rights should be included in the constitutions of the new states. He also stressed that there should be a Baltic German delegate present at the conference when the future of the Baltics would be discussed.[701]

The purport of Bodisco's petition was still very much along the lines of some broader Baltic political unity. It was written in the name of the Baltic Germans who inhabited the historical provinces of Estland, Livland, and Courland, which had been rearranged as recently as two years before. Although the document never explicitly mentioned any demands for establishing some kind of a Baltic state, neither did it mention separate and independent Estonian and Latvian states. Instead, the project spoke more broadly about "Baltic land (*baltische Lande*; *Baltikum*, *Baltenlande*)." The language was thus placed in the context of the still unclear future of the Baltic states, articulated in an intentionally vague manner. The text implicitly favoured a broader Baltic state, yet did not entirely exclude the possibility of establishing independent Estonian and Latvian states.

In many ways similar to the project put forward by Bodisco, a petition was drafted by Professor Paul Sokolowski and Baron Cäsar (Caesar) Schilling, passed at the Refugee Conference in Berlin.[702] While shorter and less elaborate than Bodisco's petition, it offered a more clear-cut alternative vision to establish separate Estonian and Latvian nation-states. Coming from a family

[700] Marina Germane, "Paul Schiemann, Max Laserson and Cultural Autonomy: A Case Study from Interwar Latvia," in *The Challenge of Non-Territorial Autonomy. Theory and Practice*, ed. Ephraim Nimni, Alexander Osipov, and David J. Smith (Oxford: Peter Lang, 2013), 101–16; Hiden, *Defender of Minorities*, 99–100, 103–4, 125.
[701] Abschrift: Denkschrift für die Friedenskonferenz. Überreicht vom Deutsch-Baltischen Nationalausschuss, Februar 1919, DSHI 190 Livland 33, 11, 6_102, pp. 8, 10.
[702] Beschluß der Berliner Flüchlingskonferenz über nationale Autonomie auf Vorschlag von Paul Sokolowsky und Ceasar Schilling, DSHI 190 Livland 33, 11, 6_103.

of clerics from Livland, Sokolowski (1860-1934) had studied law and worked at the universities of Kyiv, Moscow, Berlin, and Königsberg, and worked as the curator of the Kharkiv educational district. He also served as the minister of justice in Andrievs Niedra's short-lived German puppet government. During the interwar years he was one of the founders and the first director of the Herder Institute in Riga.[703] Cäsar Schilling—although an unknown personality—was the brother of and assistant to Baron Alfred Schilling,[704] who was one of the main collaborators of Imperial Germany from the Baltic German nobility.

In their petition, the authors envisioned a state of nationalities where the nationalities would have no territory of their own. As they argued:

> A fortification on this ancestral homeland soil would only be conceivable in the face of these dangers [outvoting, expropriation and supressing German culture] if the Baltic Germans succeeded in emerging from the present chaos as an independent nation [*selbstständige Nation*], as an autonomous free state [*autonomer Freistaat*] with equal rights alongside the newly formed free state of compatriots of the homeland [*Freistaat der Heimatgenossen*] of the Estonians and Latvians, whose living and working together would have to be shaped into a Baltic federal state [*Baltischer Bundesstaat*]—without territorial demarcations of the three national member states [*ohne territoriale Abgrenzungen der drei nationalen Gliedstaaten*]—in completely new forms.[705]

This quote leaves little doubt: the aim was to establish a common state consisting of three main nationalities of the three historical provinces, namely the Estonians, Germans, and Latvians. What is most striking is that this would proceed without any national territorial delimitation. Instead, each of the three nationalities would form a non-territorial nation (*Nation*) or free state (*Freistaat*). These individual, non-territorial free states would make up the Baltic Federation (*Baltischer Bundesstaat*). All common affairs in this federation would be administered by a Federal Assembly (*Bundesrat*) consisting of three national delegations (*Abordnungen*). All internal affairs of each nation, that is the church, schooling, and to a certain amount judicature/administration of law (*Rechtspflege*), and social welfare. The national body had to obtain the right to levy taxes on their members.

Although it was a rather short petition and not all of the principles were elaborated in detail, it nevertheless sheds some light on the practical functioning of the proposed Baltic Federation. All common questions to the nations of the state were to be discussed in the Federal

[703] Christina Douglas and Per Bolin, "The Sokolowski Affair. Testing the Limits of Cultural Autonomy in Interwar Latvia," in *Defining Latvia: Recent Explorations in History, Culture, and Politics*, ed. Michael Loader, Siobhán Hearne, and Matthew Kott (Budapest-Vienna-New York: Central European University Press, 2022), 63–82.
[704] DSHI 190 Livland 33, 11, 4_28a - Brief von Stryk betr. die Arbeitsteilung in Berlin - Dezember 1917.
[705] Beschluß der Berliner Flüchlingskonferenz über nationale Autonomie auf Vorschlag von Paul Sokolowsky und Ceasar Schilling, DSHI 190 Livland 33, 11, 6_103, p. 102.

Assembly. This was to be comprised of three national delegations: Estonian, German, and Latvian. All internal affairs of the nations, such as the church, education, administration of justice (*Rechtspflege*), and social welfare, would be in the hands of nations who could administer these fully freely and independently. The competencies of the nations would have also included the right to enlist members of the national community into the armed forces, levy taxes on them, and possess a right for the expropriation of property for the general interest. The fact that two rather striking powers were included in this document, namely conscription and expropriating property, can be understood in the immediate political context. Namely, the question of nationalising large land estates which affected foremost the German landlords was an acute political issue. Latvia passed the land reform law on September 1919, Estonia in October 1919. The Baltic German nobility's large land holdings were the main targets of this radical policy. Obviously, they objected to this but they hardly possessed any means to oppose it via parliamentary and democratic measures due to their small number. Conscription must be seen in the light of the ongoing Estonian and Latvian Wars of Independence and the War Against the *Landeswehr* in summer 1919. Nevertheless, including military competencies in the powers of non-territorial autonomy bodies goes far beyond the majority of similar projects, which were typically limited to powers over cultural affairs, occasionally including social welfare, but almost never military affairs.

Compared with earlier constitution drafts, including the one that was drafted for the United Baltic Duchy, the Sokolowski-Schilling project was considerably more democratic. Instead of a complicated bicameral system where property and experience qualifications would have guaranteed Baltic German dominance, this project proposed a system of general, equal, direct, secret, and proportional voting.

The strategy of establishing this kind of Baltic Federation was connected with the military success of the *Landeswehr* in Latvia in spring 1919, when the document was clearly drafted. Thus, the authors made the call to their compatriots not to lose time and to reorganise the Baltic German National Committee in a way that it would bear the character of an elected representative body. Because Sokolowski and Schilling believed that simultaneous elections in the north and the south would initiate opposition by Estonians and Latvians and undermine the project, they proposed organising elections to the Baltic German National Council of Latvia (*Nationalrat*) first, and in due course expand it with the elections to an all-Baltic German National Council.

These documents, in particular the Schilling-Sokolowski project, show how in their state-building projects the conservative Baltic German elites started to look towards non-territorial models in order to find a solution that would at least partially maintain their political and cultural dominance while being a small minority. As these projects were follow-up projects to the

establishment of a monarchical Baltic Duchy, which was deemed unrealistic, switching fully to this non-territorial internal structure of the proposed Baltic state was thus a strategic step. It was a final effort to stick to historical models and principles as much as possible yet rethinking the Baltic provinces in the new era of national self-determination. For this reason the authors of these petitions sought to abandon any ethno-territorial administrative structure of the state. This would have meant rendering their own political, economic, and symbolic role close to zero. With the proposed Baltic federation of nationalities, a numerically small minority would have been one of the three state-constitutive nations and thus as a group equal to the Estonian and Latvian majorities. However, one also notices that while they proposed a trinational model, Russians and Jews were left out of the project. In numerical terms, although, for instance, Russians comprised a far greater minority than Germans. This again demonstrates that the main aim was securing the position of Baltic Germans, and it was for this reason that a non-territorial federal model was proposed, and not the other way around. The second reason why the projects were silent about Jews and Russians is the Baltic German self-understanding of carrying out the role of political and cultural leadership in the region since the thirteenth century and through that becoming in a way *bodenständig*, whereas Russians and Jews were according to this understanding relative newcomers.[706]

In proposing an entirely non-territorial model of the Baltic Federation for three nations, the project suited the interests of conservative noble elites but made little sense for Estonian and Latvian political leaders. Out of these three, only for the Baltic Germans the pure non-territorial model would have been logically applicable and useful due to their dispersed settlement structure. It would have made more sense if the project would have included more groups as the state-constituting nations, for instance Russians, Jews, Poles, Belarusians, and Lithuanians, many of whom were significant groups in Latvia. Thus, largely drawing on the deeply rooted idea of special Baltic German role and its historical importance, Sokolowski and Schilling were still reluctant to reduce its importance and role by including other nations than the majorities. As a result, in conceptual and legal terms, in the proposed *Baltische Bundesstaat* of Estonian, Latvian, and Baltic German *Freistaaten*, none of the three would have been a minority. They would have formed a federation on equal terms and would have possessed equal rights. This also meant that other nationalities, even the ones who were numerically more than double the size of Germans, which had been the case with Russians, would have been minorities.[707]

[706] A rare case when a project envisioning a future political system for the Baltic area which mentioned (though in passing) the Jewish minority (*Hebräern*) was drafted by H. v. Stryk, see: [H. v. Stryk] Positive Reformvorschläge in der Baltischen Frage, ERA.957.11.86, pp. 14-25.
[707] For a broader discussion on the concept of minority see e.g. Adorjáni and Bari, "National Minority."

The same calculations help to understand the choice of words in the project. Namely, the authors speak about non-territorial units of the state yet they use the word "state" (*Staat*) to describe these non-territorial bodies of the federation. Together with sweeping powers (including military powers) these non-territorial units of the federation are indeed almost like non-territorial states. In the same vein, both Bodisco's vision and the Sokolowski-Schilling project proposed the international recognition of these non-territorial bodies. For Sokolowsky and Schilling, this meant "a direct representation before the League of Nations."[708] In this regard, these texts exemplify a broader trend in international legal thinking where various non-state actors emerged and claimed international legal personalities.[709]

This demand also has connections with historical traditions. The Baltic Germans knighthoods saw themselves as the legitimate representatives of the Baltic provinces in the international arena ever since they signed the capitulation acts and the Treaty of Nystadt with Peter I, when the lands were transferred from Sweden to Russia. The very same argument—tracing their political legitimacy back to this point—was stressed when the knighthoods had declared the Baltic provinces independent from Russia.[710] As internationally recognised bodies, the Baltic Germans also decided to participate in the Paris Peace conference, and both projects were drafted for the conference. The Sokolowski-Schilling proposal already stated that Alexander von Meyendorff who had been a liberal Baltic German delegate in the Russian Duma, would hand over the demands in Paris.[711]

In the context of this dissertation, these two projects proposed the purest forms of non-territorial autonomy. The Sokolowski-Schilling project is in essence the closest to the idea of disentangling nation and territory as Karl Renner had proposed it in his 1899 work: "In conceptual terms, the nation is not a territorial entity."[712] As such, the proposed vision for the state and the underlying role of non-territorial autonomy in the Sokolowski-Schilling project is profoundly different from the Law on Cultural Autonomy from 1925, which ultimately enabled cultural autonomy within a nationally-defined state, which in conceptual terms was strongly anchored in the connection between nation and territory.

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[708] Beschluß der Berliner Flüchtlingskonferenz über nationale Autonomie auf Vorschlag von Paul Sokolowsky und Ceasar Schilling, DSHI 190 Livland 33, 11, 6_103, p. 1.
[709] Natasha Wheatley, "Spectral Legal Personality in Interwar International Law: On New Ways of Not Being a State," *Law and History Review* 35, no. 3 (August 2017): 753–87; Wheatley, "Making Nations."
[710] Thomas von Dellingshausen and Henning von Wistinghausen, eds., *Protokolle der Estländischen Ritterschaft 1914-1920* (Tartu: Eesti Ajalooarhiiv, 2011), 562.
[711] Beschluß der Berliner Flüchtlingskonferenz über nationale Autonomie auf Vorschlag von Paul Sokolowsky und Ceasar Schilling, DSHI 190 Livland 33, 11, 6_103, p. 1.
[712] Renner, "State and Nation [1899]," 23.

3. Jews in the transformation process

Bodenheimer's Pufferstaat

Similarly to Baltic German alternative state projects, the Jewish activists circulated projects for a larger multi-ethnic federation encompassing the western parts of Russia. A project—not from the region but proposed for the region—that is of importance in connection with topics like the future of the *Ostseeprovinzen* amid the war, its connection with Germany, the region's autonomy, and the position of Jews in the region, was sketched by Max Bodenheimer, published in 1916 in a book series dedicated to German war aims. The project is particularly interesting since it proposed a federation which relied heavily on the non-territorial autonomy model. Max Bodenheimer (1865-1940) was a leading Zionist in the German Empire, collaborating with Theodor Herzl and Leo Motzkin within the German Committee for the Liberation of Russian Jews. During the First World War, Bodenheimer was one of the central lobbyists proposing a multi-national state model for Russia's western territories and advocating Jewish rights in the area.[713]

In the German Reich, there was interest in the Jews of Russia, both in terms of ameliorating their situation and as potential supporters of Germandom. Jewish activists in the German Empire attempted to influence higher circles of the government to implement their agenda in Russia's western borderlands. It is for this reason that in autumn 1914 Jewish activists in Germany established the Committee for the East (*Komitee für den Osten*) and proposed replacing existing tsarist control over its western territories with some form of autonomy arrangements.[714] In political and military leadership, however, there was hesitation to fully back these demands and scepticism about the reliability of the Jews in the east would be reliable as allies.[715]

In his 1916 project entitled *A New State-Federation and the Problem of Eastern Jewry* (*Ein neuer Staatenbund und das Ostjudenproblem*), Bodenheimer proposed that instead the full annexation of the western parts of the Russian Empire by Germany, they should be separated from Russia and turned into an East European Federation. This state project is particularly interesting in the context of this book since it proposed implementing a Rennerian autonomy model. This *Zwischenreich*, a

[713] Bodenheimer has found relatively little scholarly interest. On him, see e.g. M. I. Bodenheimer, *So wurde Israel. Aus der Geschichte der zionistischen Bewegung*, ed. Henriette Hannah Bodenheimer (Frankfurt Main: Europäische Verlagsanstalt, 1958); Jay Ticker, "Max I. Bodenheimer: Advocate of Pro-German Zionism at the Beginning of World War I," *Jewish Social Studies* 43, no. 1 (1981): 11–30; Lucia J. Linares, *German Politics and the "Jewish Question", 1914–1919* (Stuttgart: Franz Steiner Verlag, 2021); Tobias Grill, "'Pioneers Of Germanness In The East'? Jewish-German, German, And Slavic Perceptions Of East European Jewry During The First World War," in *Jews and Germans in Eastern Europe: Shared and Comparative Histories* (De Gruyter Oldenbourg, 2018), 125–59.
[714] Carole Fink, *Defending the Rights of Others: The Great Powers, the Jews, and International Minority Protection, 1878-1938* (Cambridge: Cambridge University Press, 2006), 73–74.
[715] Fink, 74; Egmont Zechlin, *Die deutsche Politik und die Juden im Ersten Weltkrieg* (Göttingen: Vandenhoeck & Ruprecht, 1969), 126–38.

Pufferstaat, was to encompass all western parts of the Russian Empire which were inhabited by non-Russian peoples, the core being the Jewish Pale of Settlement. The federation would have consisted of four big federal units: the Baltic provinces (together with Lithuania), Poland, Belarus, and Ukraine. Acknowledging that the proposed state would have been a multi-ethnic one and national conflicts could arise, Bodenheimer proposed introducing cultural or national autonomy (*kulturelle Autonomie*, *nationale Autonomie*) with the right of self-taxation for the nationalities. The nationalities would have control over their cultural institutions, schooling, universities, societies, media, theatres, and museums. Membership in these national communities would be fixed in a national register (which he called a *Matrikel*, as did Renner) based on the free decision of an individual (*nach ihrem eigenen Bekenntnis*). Registered individuals would form an electoral curia and their elected deputies in the parliament would form a curia of the respective *Sprach- und Kulturgemeinschaft.*[716]

In his project, Germans and Jews would have been the central binding elements of the state, yet without any explicit privileges. Germans and Jews, who were dispersed all across the proposed state, would have functioned as the uniting element (*das einigende Element*) of the federation. Bodenheimer further argued that, due to their cultural and linguistic affinity, German and Jewish delegations would likely vote together in the parliament.[717] In an earlier memorandum, Bodenheimer stressed that Yiddish, the language of the Russian Jewry, was medieval German, which could easily be replaced with modern German if the territory was under German control.[718]

The intellectual roots of this project were in the Austro-Hungarian debates and experiments in dealing with ethnic diversity. In his proposal, Bodenheimer explicitly referred to the "known economist Renner." He also stressed that these principles of national registers (*Matriken*) and curiae, had already been introduced in Bukovina and Moravia.[719]

Bodenheimer's proposals demonstrate that in the German Empire, where Jews had been already emancipated, Zionism and Germanness were not mutually exclusive in the works of early Zionist thinkers.[720] It was on that basis that Bodenheimer supported the German Empire and its war aims. A German success would have helped, in his understanding, to achieve broader Zionist goals and to improve the situation of Jews in Eastern Europe. Despite propaganda campaigns, the attempts to conceptualise East European Jews as pioneers of German culture and members of a broader Germanophone community failed. Bodenheimer's project did not find any strong

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716 M. [Max] Bodmer [Bodenheimer], *Ein neuer Staatenbund und das Ostjudenproblem*, Der Deutsche Krieg. Politische Flugschriften (Berlin, Stuttgart: Deutsche Verlags-Anstalt, 1916), 20–27; the project is also summarised in: Ticker, "Max I. Bodenheimer," 15–16; Grill, "'Pioneers Of Germanness In The East'?," 136–37; Linares, *German Politics*, 85–91.
717 Bodmer [Bodenheimer], *Ein neuer Staatenbund*, 21, 25.
718 Grill, "'Pioneers Of Germanness In The East'?," 128.
719 Bodmer [Bodenheimer], *Ein neuer Staatenbund*, 22; Bodenheimer, *So wurde Israel*, 210–11.
720 Grill, "'Pioneers Of Germanness In The East'?," 158.

support, largely due to ignoring the rather different situation of the Russian Jewry, their context, and their attitudes.[721]

It is not known if there was any broader sympathy among Russian Jewry for Bodenheimer's project, or how broadly this project circulated in the region, but further research into this topic might offer useful information.[722] Egmont Zechlin has argued that while the Russian Jewry had strong support for non-territorial autonomy provisions, they conceptualised themselves as a separate nation, not a mere vanguard of Germans in the Slavic east. Instead, Jews in the Russian Empire and revolutionary Russia either sympathised with reformist movements or showed loyalty to national liberation movements (e.g., with the Polish), hoping it would help to guarantee their demands for minority rights.[723] This also counts for the Jews of Estonia, because they adjusted relatively quickly to the new setting and drafted their own political agenda.

The broader importance of Bodenheimer's vision in the context of this study is in the fact that it demonstrates in which high circles the non-territorial model circulated at the time. Not only was the promise of non-territorial autonomy for minorities included in the Estonian Independence Manifesto, a core principle of Baltic German alternative visions for a Baltic state, but also a core principle of the envisioned vast buffer state project drafted in Germany.

Russian Jews and the war

What Bodenheimer got right was the fact that Russian Jews were potentially the most important supporters of Germany in the region during the war. The reasons for potential support included the history of the persecution of Jews, which comprised of pogroms, confining Jews to the Pale of Settlement, and depriving them basic rights, alongside numerous wartime anti-Jewish policies by imperial authorities.[724] When the First World War broke out, in the heated atmosphere of the era, the anti-Jewish policies of Russia reached new heights. Initially, the Russian Jewry hoped that the war would help them achieve freedom and societal acceptance.[725] These hopes, despite the Jewish attempts to demonstrate their loyalty to the state,[726] however, waned quickly as numerous anti-Jewish policies were implemented. Jews were seen as scapegoats for Russian failures in the

[721] Grill, 158.
[722] One copy belonged to the Estonian Literary Society (Ehstländische Literärische Gesellschaft) and is currently in the collections of the Academic Library of Tallinn University (call number V-7204) which shows that the project circulated at least in some circles in Estonia. Specifically the question of Jewish autonomy was also reproduced in a widely circulating book on the future of the region: Max Sering, ed., *Westrussland in seiner Bedeutung für die Entwicklung Mitteleuropas* (Leipzig-Berlin: Teubner, 1917), 249–51; 255.
[723] Cf. Zechlin, *Die deutsche Politik*, 129.
[724] Linares, *German Politics*, 93.
[725] Rabinovitch, *Jewish Rights*, 168.
[726] Rabinovitch, 172.

war, and as potential enemy spies. They also experienced pogroms coupled with confiscation of property in some cases.[727] Strict censorship rules were introduced, and media coverage of the Jewish contribution to the Russian war effort was restricted.[728] The censorship policies also included a publishing ban for the Hebrew alphabet, and thus the Hebrew and Yiddish press was shut down, although Jewish publications continued to appear in Russian.[729] Since the western parts of Russia bordered the enemy, and parts of Russian western territories were under enemy control, this area, including the entire Pale of Settlement, was put under Russian military administration, which meant more restrictions.[730] Another major campaign forced the migration of Jews from the western parts of Russia, and this was often accompanied with looting property.[731] The mass deportations of Jews started in 1915, but already beforehand some estimates stated that roughly 600,000 Jews had been relocated.[732] The overall number of Jews who were forcefully relocated has been estimated to be close to one million.[733]

The war also played a crucial role in forming and strengthening Jewish political and communal life. One of the core activities of Jewish organisations amid the war was to offer relief to those in need, in particular to Jewish refugees. The most important relief organisation was the Jewish Committee to Aid Victims of War (EKOPO) which aimed to improve the situation of Jewish refugees with the help of the funds provided by international relief organisations and matched by those raised by Russian Jewry. Simon Rabinovitch has argued that this organisation was an example of the implementation of various ideas of self-government discussed earlier. An element of self-government in this organisation was, for instance, the introduction of a system of voluntary self-taxation, according to which individuals had to provide five per cent of their income. Rabinovitch even describes the organisation as a Jewish "proto-government" which contributed to the centralisation of Jewish politics. In sum, the war as such can be seen as a watershed moment in politicising, modernising, and democratising the Jewish community and broadening the circles supporting autonomy.[734]

Also, the global political climate during the final years of the First World War was extremely ambivalent from the Jewish perspective. On the one hand, the Balfour Declaration from November 1917 meant a victory for the Zionist idea of creating a Jewish homeland. On the other hand, Palestine was a poor plot of land, struggling with diseases, already inhabited, and set to be

[727] Rabinovitch, 170–71.
[728] Rabinovitch, 168.
[729] Rabinovitch, 202.
[730] Rabinovitch, 170–71.
[731] Lohr, *Nationalizing the Russian Empire*, 137–45.
[732] Gatrell, *Whole Empire Walking*, 18.
[733] Lohr, *Nationalizing the Russian Empire*, 138.
[734] Rabinovitch, *Jewish Rights*, 167–204.

ruled by an external imperial power. While among Jewish activists in Russia both the idea of national autonomy rights in galuth (diaspora, exile) and a territorial homeland in Palestine had taken root, the Declaration possibly opened the door for resettlement and further claims, such as Roman Dmowski's idea of a Poland free of Jews.[735]

One important element in German thinking of self-government was the historical experience with noble self-government. Arguably, ths deeply rooted experience played a role why they embraced non-territorial autonomy in the new setting so fully. In this regard, also Jews had a longer tradition of self-government. Historians have stressed the various pre-modern traditions of self-government such as the self-government in Babylonian exile and different corporatist bodies in mediaeval Europe. In the Russian context, it is important to stress the historical kehilla in the Polish-Lithuanian Commonwealth which had both religious and secular character.[736]

Political activities of Jews in Estonia in late 19th and early 20th centuries

These processes that Russian Jewry underwent in the beginning of the century, during the war, and through the revolutions also reflected in the Jewish communities in Estonia. During this time, Jewish communities in Estonian cities and towns were part of a broader Russian Jewry and did not necessarily identify themselves as a separate Baltic or Estonian Jewish community. However, it is worth looking developments in Estonia more closely to understand the starting point after Estonia declared independence when the Jewish communities swiftly drafted their agenda in the new setting.

In the late tsarist years, various organisations strengthened a sense of belonging and provided a platform for self-organisation. In 1884, the Academic Society for Jewish History and Literature was established at the University of Tartu.[737] It was established as a response to the pogroms in Russia in the 1880s which strengthened the Jewish national sentiment. Until the 1880s, Jewish students had either been active in German or Russian student organisations.[738] The Academic Society encompassed students from the mobile body of Jewish students who were

[735] Ambivalence is analysed in: Fink, *Defending the Rights of Others*, 87–89; see also: Mark Levene, "Nationalism and Its Alternatives in the International Arena: The Jewish Question at Paris, 1919," *Journal of Contemporary History* 28, no. 3 (1993): 512–13.
[736] François Guesnet and Antony Polonsky, "Introduction," in *Jewish Self-Government in Eastern Europe*, ed. François Guesnet and Antony Polonsky, Polin: Studies in Polish Jewry (London: The Littman Library of Jewish Civilization, 2022); Liebman, "Ajaloolised ja kultuurilised eeldused."
[737] Alternative names: Akademicheskii ferein dlia izucheniia evreiskoi istorii i literatury, Akademischer Verein für jüdische Geschichte und Kultur.
[738] Kopl Jokton, *Juutide ajaloost Eestis* (Tartu, 1992), 23.

interested in Jewish topics.[739] While the students were mostly from other parts of the Russian Empire, they nevertheless influenced the local Jewish life, catered for the education of local Jewry and participated in public life.[740] Jewish students held presentations and discussed a broad variety of topics, such as literature, uniting Jewish students,[741] different religious movements such as Hasidic Judaism,[742] social and economic affairs, the national question, and Zionist congresses.[743] Their rich library held works on the "Jewish question" in Russia, including numerous works by one of the most important thinkers of Jewish autonomism in Russia, Simon Dubnow.[744] They also closely observed political developments regarding the Jewish question.[745]

Some presentations at the Society are worth a closer look, because these demonstrate the close observation of Dubnow's ideas among the Jewish students in Tartu and the presence of autonomy as a topic. In March 1909, Nadshov Geis discussed Dubnow's theory on the development of nations and supported, like several other students in the following debate, a more materialistic take on the development of nations.[746] Some students, however, fully agreed with Dubnow's theory or combined it with Zionism. A couple of months earlier, in January 1909, one student, N. Dain, gave a presentation entitled "Jewish autonomous organisations with reference to the socio-economic status of the Jews," giving an overview of various forms of Jewish communal life and self-government though centuries around the world. The presentation demonstrates the variety of sympathies that Jewish students held. The presenter, Dain, stressed that where Jews had enjoyed broader rights, they also prospered socially, culturally, and economically. He concluded that Jews should work for national-cultural autonomy despite different political party affiliations. In the debate that followed, another student, Shefrav, was pessimistic, arguing that the Russian Jewry was economically not strong enough to govern their own institutions. Another student, Hant, was more strongly Zionist-minded as he argued that Jewish national-cultural organisations in diaspora would not solve the Jewish question.[747]

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739 Martin Jaigma, *Making of Jewish Intelligentsia: Educated Jewish Elites of Estonia and Slovenia before World War II* (Saarbrücken: VDM Verlag Dr. Müller, 2009), 79–94; Toomas Hiio, "Jewish Students and Jewish Student Organisations at the University of Tartu," in *Annual Report 1998* (Tartu: Tartu University History Museum, 1999), 142–46 see also the lists of alumni with their places of residence: ERA.2294.1.130, ERA.2294.1.129.

740 Liebman, "Ajaloolised ja kultuurilised eeldused," 83.

741 E. Kagan'i referaadi "Juudi üliõpilaskonna ühendamine" käsikiri, 1914, ERA.2294.1.185.

742 Referaadi "Hasidism, tema olemus ja tekkimise põhjused" käsikiri, 1919, ERA.2294.1.183.

743 Ettekannete register 1884-1915, ERA.2294.1.172.

744 Venekeelsete raamatute ja ajakirjade alfabeetiline kataloog, ERA.2294.1.218, p. 6; Venekeelsete raamatute ja ajakirjade alfabeetiline kataloog, ERA.2294.1.216, unpaginated.

745 See for instance a copy of a report on the Jewish question by the Russian Constitutional Democratic Party kept in the files of the Society, ERA.2294.1.186.

746 Critical rethinking on Dubnow's views on the Jewish national problem, 14.03.1909, ERA.2294.1.172, unpaginated. I thank Asja Zaitseva for helping me translate the document.

747 Doklad evreiskaia avtonomia, 31.01.1909, ERA.2294.1.163, unpaginated. I thank Asja Zaitseva for helping me translate the document.

The first two decades of the twentieth century in the life of Jews in Estonia can be described as a gradual decrease in the importance of religion and increasing politicisation. The echo of the first Zionist Congress in Basel in 1897 soon reached the Jewish community in Estonia. In 1900, the students in Tartu established a Zionist organisation and, following this example, Zionist organisations were established in several other towns. Soon, a Zionist-Socialist organisation was established in Tartu.[748] In Tallinn too, briefly after the first Zionist Congress, a local Zionist organisation emerged.[749] Furthermore, supporters of Marxist agendas started to organise and a local branch of the Bund was established by the students of Tartu as early as in 1904.[750] However, while stronger participation in politics can be seen in bigger urban centres, in smaller cities like Narva, there are fewer signs of involvement in (radical) political organisations. Anton Weiss-Wendt has argued that Narva Jews were not interested in Marxism or radical politics in general. Based on the supervision documents of the Tsarist authorities, he has demonstrated that in 1906 only one Jew out of roughly half a thousand Jews in Narva had participated in a radical political rally.[751]

Like all across Russia, the February Revolution brought along broader politicisation. In May, the Tallinn group of the Bund was established with the aim to agitate among local Jews and to defend their interests based on democratic principles.[752] By August 1917, the Tallinn group had 125 members.[753] Furthermore, in Tallinn, a Jewish cultural centre and the literary society "Bjalik" were established bringing together democratic Jewish circles.[754] In Tartu, Jewish social life became more active and a social democratic club was established which focused in particular on the national question. In 1917, in the southern border town of Valga, the Jewish soldiers stationed there established a local Zionist organisation. However, in the first elections to the community council (*koguduse nõukogu*), the members of the Bund gained a majority and the Bundist Zirelson was elected as its chairman.[755] In Narva, in 1917, a Zionist committee was established and in the democratic elections to the local community council (*kogukonna nõukogu*), Zionists gained thirteen seats out of twenty.[756]

[748] Jokton, *Juutide ajaloost Eestis*, 28.
[749] Jokton, 13.
[750] Jokton, 27–28.
[751] Weiss-Wendt, *On the Margins*, 56.
[752] "Evreiskaia gruppa obedinennykh sotsialistov," *Izvestiia Revelskago Soveta*, May 13, 1917; Graf, *Poliitilised parteid Eestis 1917-1920*, 76.
[753] Graf, *Poliitilised parteid Eestis 1917-1920*, 76.
[754] Jokton, *Juutide ajaloost Eestis*, 14.
[755] Jokton, 33.
[756] Jokton, 34.

Elections to the Russian Jewish Congress in 1917-1918 as an example of political sympathies and participation

An important event in Jewish political life in revolutionary Russia was the attempt to convene the All-Russian Jewish Congress (*Vserossiskii evreiski S"ezd*) at the end of 1917 and beginning of 1918. These elections, reconstructed with the help of archival sources, are a rare opportunity to get an overview of the political sympathies of Jews in Estonia. Thus, the following part will analyse political affiliations among the Jews of Estonia in these elections.

In Petrograd, organising a Jewish congress was seen as the first step in establishing a standing Jewish national assembly for Russia. This initiative was foremost led by old members of Dubnow's *Folkspartey* (Yiddish: People's Party) whose position on autonomy was analysed in the first chapter of this study. For the main organisers, the congress would have been Jewish autonomy materialised and a tool to ultimately set up Jewish self-government in Russia.[757]

The sources show that in organising the elections to the Congress, the Tartu Jewish community (unexpectedly) ended up being one of the organisers of the entire process. Namely, for these elections, a Tartu (*Yuryevskii*) electoral district—one out of the 43 circles—were created.[758] This district encompassed the parts of Estonia and Livland which were not under German occupation (*Pribaltiiski krai*) and the Governorate of Pskov. The seat of the respective district electoral committee was in Tartu (Yuryev). The organising committee, which convened in October 1917 for the first time, encompassed representatives from different organisations: representatives of synagogues, the local Zionist committee, the local Jewish democratic club, Neitsakh Yisroel, the academic society mentioned earlier, and a Jewish student welfare organisation.[759] In peacetime, the Jewish community of Riga would have surely been a better fit for such a role, because Riga was the biggest metropolis in the region with a big Jewish community. In the context of the war, however, the Tartu Jewish community ended up organising it, as at that time, Riga and large parts of Latvia were already under the control of the German imperial army. Among the cities of the Governorates of Estonia and Pskov, Tartu had the biggest Jewish community.

In many parts of Russia, voter turnout was relatively low. Scholars have argued that this was an expression of disinterest in the constant quarrelling between various Jewish parties, and the fact that the political future of Russia was largely uncertain and thus convening an assembly meant

[757] Rabinovitch, *Jewish Rights*, 224.
[758] Electoral districts listed in: Polozhenie o vyborakh na Vserossiiskii Evreiskii S"ezd (printed instructions), ERA.2283.1.6, pp. 12-13.
[759] Protocol, 01.10.1917, ERA.2283.1.6, p. 1.

putting forward purely theoretical demands.[760] According to the calculations of Mordechai Altshuler, in Moscow only 13 per cent of eligible voters cast their votes; in Petrograd and Odessa, one third.[761]

If the numbers of eligible voters that the Tartu/Yuryev Bureau forwarded to Petrograd are trustworthy, then participation in the district was considerably higher than in other parts of the country. Namely, the bureau assessed that, altogether, there were 7,560 voters in the district.[762] According to the results they forwarded to Petrograd, 4,671 voters cast their vote.[763] This would put the turnout at 62 per cent, well above the examples mentioned above. These numbers, however, should be taken with caution. For instance, the Tartu/Yuryev Bureau assessed that the number of Jews in Reval was 540, and ultimately 416 Jews from Tallinn cast their vote. According to this, the turnout in Tallinn would have been very high. Studies, however, have assessed that on the eve of the First World War, the number of Jews in Tallinn was almost double, 1,100.[764] In Tartu, the assessed number of 1,900 was very close to the number that scholarly literature has assessed.[765] In the elections, 944 Jews from Tartu cast their votes.

Election results show that in the districts of Tallinn, Tartu, Viljandi, Pärnu, and Rakvere, the Zionist party gained the highest number of votes.[766] The orthodox Neitsakh Yisroel was second, and the United Jewish Socialist Workers Party gained the third highest number of votes. Despite the relative smallness of the Jewish community in Estonia, there are still some major differences between cities. While the orthodox list won in Tartu, in Viljandi and Pärnu they gained no votes at all. In Tallinn, the orthodox list was second, but the Zionist list gained double the number of votes the orthodox managed to win. Poalei Zion managed to gain only a few votes, but in Viljandi they were the second. The left-wing parties also managed to gain a considerable share of votes. In Pärnu, it was the second biggest party. In Tartu, they gained roughly the same number of votes as the Zionists.

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760 Rabinovitch, *Jewish Rights*, 230.
761 Summarised in Rabinovitch, 230.
762 Yuryev District Bureau to organising committee in Petrograd, 09.01.1918, ERA.2283.1.6, p. 104.
763 Voting results, ERA.2283.1.6, p. 120.
764 Anton Weiss-Wendt, *Murder Without Hatred: Estonians and the Holocaust* (Syracuse: Syracuse University Press, 2009), 3.
765 Weiss-Wendt, 3.
766 Another important town with a significant number of Jews was Valga. Since there was no separate district for this town, it is not clear what the voting behaviour there was. Narva also had a significant Jewish population in the Estonian context, but the city was part of the Governorate of St. Petersburg and the sources available while writing this chapter do not include election results in Narva.

Table 1. Voting results to the All-Russian Jewish Congress based on ERA.2283.1.6. Districts in Estonia							
Voting district	**N2 United Jewish Socialist Workers Party**	**N3 Achdus / Neitsakh Yisroel**	**N5 Bund**	**N6 Russian Zionist Organisation**	**N7 Poalei Zion**	**N9 List of unaffiliated candidates**	**Sum**
Yuryev/Tartu	224	322	89	236	72	1	944
Reval/Tallinn	36	111	40	223	6	-	416
Wesenberg/Rakvere	5	10	14	56	3	-	88
Fellin/Viljandi	2	-	1	45	30	-	78
Pernau/Pärnu	53	-	-	62	1	-	116
Sum	***320 - III***	***443 - II***	***144 - IV***	***577 - I***	***112 - V***	***1***	

Table 2. Voting results to the All-Russian Jewish Congress based on ERA.2283.1.6. Districts outside Estonia							
Voting district	**N2 United Jewish Socialist Workers Party**	**N3 Achdus / Neitakh Yisroel**	**N5 Bund**	**N6 Russian Zionist Organisation**	**N7 Poalei Zion**	**N9 List of unaffiliated candidates**	**Sum**
Smiltene	30	92	1	25	4	-	152
Pskov	86	116	19	199	10	-	430
Toropets	11	233	8	215	18	-	485
Andreapol	-	92	2	36	2	-	132
Velikiye Luki	37	149	67	385	6	10	654
Opochka	12	86	33	66	-	-	197
Kholm	3	45	-	17	-	-	65
Soletsky	-	13	22	44	18	-	97
Porkhov	53	7	3	40	1	-	104
Loknyan	3	34	7	31	8	-	83
Ostrov	29	169	4	89	-	-	291
Valmiera	19	9	15	64	50	-	157
Sum	*283*	*1045*	*181*	*1211*	*117*	*10*	

In these elections, all major parties supported some form of Jewish autonomy in Russia. The central elements of the programme of the Bund was autonomy limited to cultural—mainly educational—affairs and instruction in Yiddish at schools. Poalei Zion also proposed instruction in Yiddish, but further demanded secularising the existing Jewish kehilla. For the Zionists, the immediate focus was on Jewish rights and autonomy in Russia and in diaspora. The settlement of Palestine was a long-term goal. In their programme they advocated Jewish autonomy with extensive powers, including welfare and economic affairs, yet also preserving the role of the synagogue and introducing Hebrew as the language of instruction at schools. The United Jewish Socialist Party also sympathised with territorialism. Their more immediate programme, however, was a secular and democratically elected kehillah which would have broad powers over spheres such as social affairs and education (including vocational). The Folkspartey's list does not appear to have been represented in the Tartu district, but in their programme they very much relied on secularising the Jewish kehilla, which would be the heart of autonomy. The orthodox Neitsakh Yisroel, founded by St. Petersburg rabbis, was against demands for secularisation and advocated instruction in schools fully in Hebrew. One further central element of their programme was the understanding of Jews as one united nation who shared their roots and religion.[767]

These elections in Tartu district demonstrate several aspects which are important, in particular regarding the chapter seven of this study, which analyses Jewish autonomy in Estonia during the interwar years. First, the elections show a strong Zionist orientation—in addition to the Zionist list, Neitsakh Yisroel also supported the Zionist goals.[768] In the autonomy institutions created from 1926 onward, the Zionists who gained a majority and dominated the agenda of autonomy. Although the elections also demonstrated significant support for orthodox Jewish politics, it was rather a short episode. Later in the autonomy institutions, there was no strong orthodox list that would have gained a considerable number of votes. This lack of solid support for an orthodox Jewish party also differentiates Estonia from the other two Baltic states, Latvia and Lithuania, during the interwar era.[769] Many memoirs, both by Estonian Jews and Jewish visitors from other countries, stressed that religion played relatively small role in the lives of Estonia's Jews.[770] Finally, the experience with elections also shows how closely, in practical terms, the Tartu Jewish community came into contact with some of the core elements of non-territorial autonomy.

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[767] Programmes summarised based on Mikhail Beizer, "The Petrograd Jewish Obshchina (Kehilla) in 1917," *Jews and Jewish Topics in the Soviet Union and Eastern Europe*, no. 10 (1989): 21–26; Rabinovitch, *Jewish Rights*, 224–31. Programme also accessible in: Osnovnye tezisy programmy organizatsi Neitsakh-Yisroel, ERA.2283.1.54, unpaginated.
[768] Beizer, "Petrograd Jewish Obshchina," 24.
[769] Weiss-Wendt, *Murder Without Hatred*, 7.
[770] Anu Põldsam, *Lazar Gulkowitsch - eine vergessene Stimme der Wissenschaft des Judentums: seine Tätigkeit, sein Werk und seine Wirkung im zeitgeschichtlichen Kontext*, Dissertationes theologiae Universitatis Tartuensis 25 (Tartu: Tartu Ülikooli Kirjastus, 2011), 60.

The very effort itself was non-territorial as the Congress aimed to include dispersed Jewish communities in vast Russia. Further important elements were the organisation of funds for the elections and clarifying the electoral lists which were also central elements of Jewish autonomy later on.[771]

Establishing organisations also demonstrates gradually stronger self-organisation, secularisation, and politicisation among Jews in Estonia. With debates like the ones held at the academic society, a sense of community and national feeling was strengthened. Since different ideas were discussed, these functioned as fora. They also participated in the relief efforts of EKOPO and collected donations for this cause.[772] These largely secular Jewish organisations played an important role in giving an experience of self-government in the sense of administering the respective organisations, managing the funds and members, and communicating with different level authorities. Furthermore, since several organisations largely operated locally, they arguably strengthened the sense of community within Jewish communities in different cities in Estonia. A clearer notion of Estonian Jewry, however, emerged only after the February Revolution.[773] All of these aspects became increasingly important after the collapse of Russia and the declaration of Estonia's independence. In this new situation, as Estonia's Jews were cut off from the broader Russian Jewry they had been part of, they were faced with the dilemma of, as Abe Liebmann put it in 1937, the destruction or self-assertion.[774] This meant both conceptualising oneself as a member of the "Estonian Jewry," organising and consolidating internally and formulating political agendas, and some sort of common political platform.

Arguably, the aspects analysed above help to understand why Jews put forward demands for autonomy already in the early days of Estonian independence and quickly set up autonomy after the respective law was passed by the parliament.

Formulating political agenda in independent Estonia

The end of the German occupation in November 1918 was the moment when Jews in Estonia started taking concrete steps to formulate their political agenda in the new political reality and to conceptualise Jewish rights. Shortly after the occupation, the Jews of Estonia convened in Tartu to set up a body to represent themselves and to strengthen their internal cohesion.[775] As a result of this meeting, on November 17, 1918, the Jews of Estonia established the Provisional Jewish

[771] See e.g. ERA.2283.1.6, p. 133.
[772] See correspondence: ERA.2283.1.28.
[773] Weiss-Wendt, *On the Margins*, 56–57.
[774] Liebman, "Ajaloolised ja kultuurilised eeldused," 106.
[775] Jokton, *Juutide ajaloost Eestis*, 35–36.

National-Political Committee (*Ajutine Juudi Rahvuspoliitiline Komitee, Vremennoi Natsionalnyi Komitet Esti*) and informed the Estonian Provisional Government about the new body.[776] A couple of months later, in March, when the organisation was officially registered, their agenda was also more clearly formulated. Namely, their statutes declared that the organisation represented the Jews of Estonia and the broader aim was to organise the Jewish communities of Estonia into democratic bodies with a central organ. The spheres of activity were to administer Jewish political-cultural interests internally, to defend the rights of the Jewish minority externally and to impose taxes on its members.[777] This statute included the core elements of non-territorial autonomy and was a rudimentary version of the autonomy programme that was elaborated and discussed in detail at the Congress which followed.

The most important event in formulating Jewish demands for autonomy in Estonia was the Congress of All Jewish Communities in Estonia, which met for nine days between May 11–19, 1919, in the synagogue in Tallinn.[778] It was convened in order to voice their interests to the Estonian Constituent Assembly, which had started its work only a couple of weeks before. When the Constituent Assembly met, the Tallinn Jewish community sent their congratulations on behalf of all Jews of Estonia, expressing their support for Estonian independence. They also stressed the hope that the Jews of Estonia would be able to autonomously govern their own national-cultural life.[779] Similar declarations were sent to the Prime Minister.[780] Some weeks later, the Congress of Jewish Communities sent a declaration expressing their hope to achieve cultural autonomy but also to be recognized as national-cultural minority.[781]

Already before the congress the Jews of Estonia had gradually started to organise themselves in the new nation-state framework. The Congress is in this regard even more significant since it brought together Jewish delegates of various political backgrounds from all over Estonia, created a forum for them to discuss their social, educational, cultural, economic, and political questions, and to formulate their clear positions on all major topics. Arguably, it was the first event of its kind for Estonian Jewry and a key moment for Estonia's Jewry in positioning themselves and defining their agenda in this new political reality and defining themselves as the Jewish community of Estonia. It also shows how broader politics triggered such reconceptualizations: a

[776] Ajutine Juudi rahwuslik-politiline komitee [Ajutisele Valitsusele], 19.11.1918, ERA.31.1.185, p. 6; the Committee later dropped „Provisional" from its name.
[777] Siseministeerium Peaministrile (ärakiri), 05.03.1919, ERA.1583.1.165, p. 4.
[778] The Congress has so far found no thorough analysis in literature. For an earlier summary of the decisions see: Ewald Ammende, ed., *Die Nationalitäten in den Staaten Europas. Sammlung von Lageberichten* (Wien-Leipzig: Braumüller, 1931), 23. This section is based on the minutes of the Congress.
[779] *Asutawa Kogu I istungjärk: protokollid nr. 1 - 27. 23.apr. - 5. juuni 1919. a.* (Tallinn, 1919), col. 22.
[780] Prilozhenie 2, ERA.2297.1.5, p. 109.
[781] *Asutawa Kogu I istungjärk. Protokollid nr 1-27*, col. 538.

one year and a half earlier, as analysed above, they participated in efforts to convocated an All-Russian Jewish Congress.

Such congresses and programme-drafting events happened in many other states. Amid the collapsed Habsburg and Romanov Empires, the Jews of the new states formed national councils and voiced their demands, including (non-territorial) autonomy, to the governments.[782] Furthermore, the Congress of All Jewish Communities in Estonia took place against the background of broader political events, where there were signs of rising anti-Semitism in Europe, and international Jewish activism to secure minority rights at the Paris Peace Conference. Estonian Jews were well aware of these developments as the Central Bureau of Estonian Zionist Organisation was in contact with the Zionist Bureau in Copenhagen and reported their telegrams to the delegates. Thus, the delegates were shocked to learn on the second day of the Congress about the pogrom in Pinsk and decided to adopt a resolution condemning the killing.[783] Hirsh Aisenstadt, one of the main figures at the Congress, was born and spent many years in Pinsk and explicitly stated that he was moved by the killing in a city dear to him.[784] Similar shock was experienced all over the world: by the delegations at the Paris Peace Conference and the Jewish communities in USA.[785] Thanks to the Copenhagen connection, the Estonian Jewish Congress delegates were also well informed about the developments among Jewish activists at the Paris Peace Conference. Through it, they learned that Jewish representatives had agreed that their core demands would be equal rights for all Jews and national minority rights in Eastern European countries with significant Jewish populations.[786]

The delegates discussed and passed resolutions on all of the major topics. In the early years, many Jews of Estonia did not qualify for citizenship because they were unable to prove their residency due to strict criteria set by provisional citizenship law.[787] In order to address this problem, the Congress passed a resolution demanding citizenship for the Jewish residents of Estonia.[788] Regarding anti-Semitism, the Congress decided to establish a committee to observe any such expressions and take necessary measures to fight against them.[789] The question of Palestine shows how the delegates embraced two goals: a territorial vision of establishing a Jewish state and autonomous Jewish rights in diaspora were closely intertwined and did not exclude each other.

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[782] Jan Rybak, *Everyday Zionism in East-Central Europe: Nation-Building in War and Revolution, 1914-1920* (Oxford-New York: Oxford University Press, 2021), 199–243.
[783] Vtoroi den s"ezda, 12.05.1919, H.Epshtein, ERA.2297.1.5, pp. 20-21.
[784] Vtoroi den s"ezda, 12.05.1919, H.Aisenstadt doklad „Ob osnovakh nats'ional'noi avtonomii", ERA.2297.1.5, p. 26.
[785] Fink, *Defending the Rights of Others*, 181–83; 220–21.
[786] Vtoroi den s"ezda, 12.05.1919, M.Blumberg, ERA.2297.1.5, p. 25.
[787] Jokton, *Juutide ajaloost Eestis*, 89–90.
[788] Prilozhenie 1, ERA.2297.1.5, p. 109.
[789] Prilozhenie 8, ERA.2297.1.5, p. 116-117.

The discussion around Palestine focused mainly on practical aspects and economic conditions. Some delegates were critical of this goal, mainly because of worries about potential hardships. But general sentiment supported the goal of a Jewish state in Palestine. When delegate M. Blumberg declared "I am for Palestine like an Estonian is for Estonia," this largely expressed the overall sentiment at the Congress.[790] Thus, the Congress ultimately adopted a resolution supporting establishing a Jewish state in Palestine and sent it to the Jewish delegates at the Paris Peace Conference.[791]

One of the core topics the Congress discussed was Jewish autonomy in Estonia. On the second day, Hirsh Aisenstadt (1885-1963), an independent delegate who had been elected to preside over the Congress, held a lengthy presentation "On the Foundations of National Autonomy," the main account at the Congress on the topic of autonomy.[792] Aisenstadt was born in 1885 in Pinsk (in today's Belarus) into a conservative, orthodox family and studied business at the Kyiv Institute of Commerce. After a few years of working in Riga, he received a managerial position in the oil company Masut, moving to Tallinn in 1915. He started his political life in the Jewish Revolutionary Party, where he was active between 1905 and 1910. Already before the Congress in May 1919 he had been active in the Tallinn Jewish community, participated in the above-mentioned Provisional Jewish Committee. In independent Estonia, he became the leading advocate of Jewish autonomy. As we will see in chapter seven, he was also the leader of the Jewish self-government during its entire existence.[793]

In the early Baltic German projects proposing non-territorial autonomy, there are clear attempts to preserve existent power hierarchies but with no explicit references to the sources of the projects. In the Jewish case in 1919, clear connections with the Austro-Marxist and Russian-Jewish theories and projects emerge. The broader theoretical framework of Aisenstadt's account was derived from the "Austrian scholar Springer," mostly from Renner's book from 1902.[794] Aisenstadt proposed, relying on Renner, turning the nation into an autonomous body of public law which would encompass all individuals irrespective of where they live as opposed to the territorialist understanding. To be a member of this body, of this union one had to make a free individual declaration, but based on belonging in official metrics. Using Renner's name in his talk was part of a broader trend of political actors attempting to put more weight on their ideas by

[790] M. Blumberg, ERA.2297.1.5, p. 88.
[791] Prilozhenie 9, ERA.2297.1.5, p. 117.
[792] Vtoroi den s"ezda, 12.05.1919, H. Aisenstadt doklad „Ob osnovakh nats'ional'noi avtonomii", ERA.2297.1.5, pp. 26-32. The monograph by D. Smith and J. Hiden led me to this valuable source: Smith and Hiden, *Ethnic Diversity*, 33.
[793] For a short biography see Anna Verschick, "Eisenstadt, Hirsch," *The Yivo Encyclopedia of Jews in Eastern Europe*, accessed November 25, 2021, https://yivoencyclopedia.org/article.aspx/Eisenstadt_Hirsch; see also: Aisenstadt, Hirsh, EKM EKLA f. 193, m. 58: 19.
[794] Springer [Karl Renner], *Der Kampf*.

referring to academic authors. He also stressed that it was important to clearly define who would qualify as a national minority. In his understanding, a national minority was a group with a particular identity and with a clearly defined coefficient. The latter is important since one can see the echo of later discussions in the parliament where the ultimate minimal number of 3,000 to qualify for self-government was defined according to the number of Jews in Estonia.

After analysing the theoretical foundations of the national autonomy model, Aisenstadt discussed how to practically apply it for Jews of Estonia. Despite the fact that Aisenstadt built the theoretical foundations of his talk on Karl Renner's work, a close reading and analysis of his talk in the context of other circulating autonomy projects shows that his practical programme proposed for the Estonian Jewry bore much greater similarity with those proposed for Russia by Simon Dubnow and, in particular, by the Jewish Socialist Revolutionary Party (SERP). SERP was established in 1906 and was affiliated with the Russian Socialist-Revolutionary Party. Aisenstadt's proprgammatic elements were almost identical to their programme, which put forward demands for very broad autonomy.[795] This interlinkage has so far been not analysed in scholarly literature. One of the core moments of their proposed system and the specific model that Aisenstadt proposed for Estonia's Jews was to build autonomy based on already existent Jewish communities. These had to be turned into secular bodies of public law.

Aisenstadt proposed that all Jews living in different parts of Estonia would form a public-law body, a national union (*natsionalnyi soiuz*), which in essence would be the body to autonomously decide on the various national-cultural affairs of Jews. One of the core units of Jewish self-government, however, had to be the Jewish communities (*obshchina*). The Jewish community would encompass all Jews included in the national union, who live within the boundaries of the respective community. The organ in the community would be the Community Council (*Obshchinnyi Sovet*), elected by all Jews living in the respective community. The highest organ of Jewish Self-Government would be the Jewish National Council of Estonia (*Evreiskii Natsionalnyi Sovet Esti*), elected from the delegates in the Community Councils. Regarding the membership in the autonomous Jewish body, Aisenstadt proposed a system of automatic tacit belonging. According to his proposal, everyone belonging to Jewish nationality (*natsional'nost*) by birth would be automatically a member of the national list. However, he also left open the possibility of withdrawal.[796]

The structure of this self-government was, again, an adaptation of the SERP programme. However, in translating this programme into a different cultural-political setting, Aisenstadt made

[795] Rabinovitch, *Jewish Rights*, 60–63; Kuzmany, *Vom Umgang mit nationaler Vielfalt*, ch. 6.
[796] Vtoroi den s"ezda, 12.05.1919, H.Aisenstadt doklad „Ob osnovakh nats'ional'noi avtonomii", ERA.2297.1.5, p. 30; H. Aisenstadt, Osnovnye tezisy doklada na temu „Osnovy national'noi avtonomii vo vnutrennei zhizni evreiskikh' obshchin' v' Estonskoi respublike," 11.05.1919, ERA.2297.1.11, p. 49.

some considerable adjustments. While the SERP programme was designed for the vast Russian political entity, Aisenstadt proposed it for small Jewish community of Estonia. SERP's autonomy programme was drafted having Jews in mind but also proposed the autonomy model for other nationalities of Russia, whereas Aisenstadt focused only on Estonia's Jews. A major semantic change was to propose a Jewish Council (*sovet*) instead of a *sejm*. Also, the principle of the formation of the Jewish Council was more complicated as Aisenstadt proposed that candidates should be elected from the delegates of local Community Councils.[797]

Furthermore, the broad range of powers Aisenstadt envisioned for the Jewish self-government were derived from the SERP programme. The list included everything related to schools, establishing and maintaining various institutions of national-cultural activities such as libraries, theatres, and museums. In addition to this, Aisenstadt included various powers related to social policies: social welfare and public health, including building hospitals, affordable canteens, nurseries, labour aid, and consumer and credit associations. Also, specific educational policies with the aim to improve the socio-economic status of Jews were part of the programme, such as providing agricultural and business education. Another power of autonomy that Aisenstadt picked from the programme of SERP, a rare example of powers in various examples of non-territorial autonomy, was managing and subsidising emigration and resettlement to Palestine. This gallery of powers also demonstrates that Aisenstadt did not adjust it considerably for local conditions. For instance, he included offering agricultural education in the powers of Jewish self-government, even though in Estonia, Jews were almost exclusively urban and there were no agrarian Jewish settlements. Only in the context of settling in Palestine did it have more practical meaning.[798]

Aisenstadt's proposed programme triggered intense debates over autonomy. Rabbi Epstein from Neizach Yisroel argued against Aisenstadt that Renner's and Bauer's theory was designed for Austria and was not suitable for local conditions. His main argument was that autonomy could not rely on some abstract and foreign theory but must build on specific local conditions. He proposed that the Jewish self-government in Estonia should be built based on the historical Russian model of bourgeois self-government (*meshanskoe upravlenie*) in cities. Epstein stressed the centrality of religion in Jewish identity and was thus against the separation of religion from secular affairs. Both of these had to be in his understanding among the powers of a future

[797] "Programma Evreiskoi sotsialisticheskoi rabochei partii (SERP) (1906 g.)," 204–5.
[798] "Programma Evreiskoi sotsialisticheskoi rabochei partii (SERP) (1906 g.)," 205–6; Vtoroi den s"ezda, 12.05.1919, H. Aisenstadt doklad „Ob osnovakh nats'ional'noi avtonomii," ERA.2297.1.5, p. 31; H. Aisenstadt, Osnovnye tezisy doklada na temu "Osnovy natsional'noi avtonomii vo vnutrennei zhizni evreiskikh' obshchin' v' Estonskoi respublike," 11.05.1919, ERA.2297.1.11, pp. 49-50.

Jewish self-government body.[799]

The latter question, whether religious affairs should be separated from the obshchina was a topic which raised hefty discussion. Kropman, from the socialist fraction, supported full separation of religious affairs from Jewish self-administration, from the competencies of the Jewish council (*vaad).*[800] Aisenstadt argued that if religious affairs would stay in the hands of the Jewish self-government, it could be ultimately non-specialist or non-religious Jews who decide on these matters.[801] In Aisenstadt's view, migration also had such a special status and should not have been monopolised by one party. Nevertheless, in order not to divide observant and non-observant Jews into two opposing camps, Aisenstadt was willing to keep the religious affairs in the hands of the Jewish community. This was the idea around which consensus grew, as it was coupled with the idea that religious affairs were closely connected with Jewish identity.

On the autonomy question, a special committee was formed that formulated the resolutions which the Congress ultimately passed. It was during the discussions at the Congress and at the committee that an autonomy programme evolved, relying largely on Aisenstadt's keynote speech, for the specific Estonian context, corresponding to the political sympathies of the delegates. Its nature remained essentially the same what Aiusenstadt suggested: Jewish autonomy in Estonia had to be built around existing Jewish communities. In its language, however, in addition to the term *obshchina*, the word *vaad* was used as a synonym which hints to somewhat stronger connection with Dubnow's model. The powers were more general but included all the spheres mentioned above plus clearly also religious affairs and the right to levy mandatory taxes. The powers also included emigration, thus showing the close interlinkage of autonomy and Zionism, the first being an institution foremost defending rights in diaspora yet also contributing to Zionist goals. These resolutions had also a stronger practical focus: they stipulated that the Estonian Constituent Assembly should pass a respective law on Jewish autonomy and that Estonia's Jews form a special committee to draft their law project. While establishing a broad all-encompassing autonomy institution required a law, the resolution declared that the work of establishing Community Councils based on the personality principle should start immediately. This shows a very strong proactive approach and an idea of trying to establish autonomy, at least partially, from the bottom-up. The Congress elected new members to and mandated the Provisional Jewish National-Political Committee to achieve the goals set at the Congress and to

[799] Tretii den s"ezda, 13.05.1919, Rabbi Epstein, "O nats'ional'noi avtonomii evreistva Esti," ERA.2297.1.5, pp. 33-39.
[800] Tretii den s"ezda, 13.05.1919, p. 39.
[801] Tretii den s"ezda, 13.05.1919, p. 39-40.

act as the representative body of Jews of Estonia. In the following months, the Committee indeed became the main voice of Estonian Jews in negotiating with Estonian authorities.[802]

Estonian authorities considered the establishment of a body with the aim to ultimately establish a Jewish autonomy in Estonia such an important step that they reported about it to the Estonian delegations abroad.[803] Establishing such an organisation also came up as a topic between Estonian diplomats at the Paris Peace Conference and Cyrus Adler from the American Jewish Committee, one of the organisations speaking on behalf of Jews at the Peace Conference.[804]

To conclude, adopting autonomy as the political goal of Estonian Jewry was an answer to the new political context which triggered such readjustment and programme-making. It equally demonstrates the entangled circulation of non-territorial autonomy ideas. Aisenstadt backed his account with an overview of Karl Renner's model, widely regarded as the most influential theory of non-territorial autonomy. Aisenstadt also stressed that, in Russia, Jewish autonomy built around the obschina was first propagated by the Russian Zionist Congress in Helsinki (Helsingfors) in 1906.[805] The influential Helsingfors Programme to which Aisenstadt referred consolidated exclusive work for the Zionist goal in Palestine with political work in the diaspora, the so called *Gegenwartsarbeit*, and included the demand for national autonomy in the diaspora.[806] The practical basis for the autonomy programme for Estonian Jews in 1919 came from SERP. Aisenstadt himself stressed that this party, the Seimists, were the other important propagators of the model. [807] Thus, this congress brought together various moments of the theory of non-territorial autonomy: influential theoretical foundations from the Austro-Hungarian Empire, discussions over reforming Russia, granting rights for Jews, and ultimately drafting a non-territorial autonomy programme corresponding to the specific conditions and needs of the Jews in Estonia. Furthermore, an important dimension in this regard is the Ukrainian experiment with non-territorial autonomy. By the time of Estonian Jewish Congress, the short-lived experiment with non-territorial autonomy in the Ukrainian People's Republic was the most important attempt to practically implement principles of non-territorial autonomy. The basis of the Ukrainian law relied

[802] Rezolutsiia, priniata na S"ezd evreiskikh Obshchikh Esti, 11.05.1919, ERA.2297.1.5, pp. 118-119; Obsuzdatsia vopros o kolichestve chlenom Nats. Komiteta, ERA.2297.1.5, p. 101.
[803] Välisministeerium välisesitusele, 02.04.1919, ERA.1619.1.41, pp. 19-20; Wälisministeerium Eesti välisesitusele Londonis, 02.04.1919, ERA.1583.1.165, p. 9.
[804] A note to Dr. Adler, ERA.1619.1.41, p. 21; C. Adler to Estonian delegation, 22.06.1919, ERA.1619.1.41, p. 21.
[805] Vtoroi den s"ezda, 12.05.1919, H.Aisenstadt doklad „Ob osnovakh nats'ional'noi avtonomii", ERA.2297.1.5, p. 31.
[806] Janowski, *The Jews And Minority Rights*, 106–13; Rybak, *Everyday Zionism*, 14–15.
[807] Vtoroi den s"ezda, 12.05.1919, H.Aisenstadt doklad „Ob osnovakh nats'ional'noi avtonomii", ERA.2297.1.5, p. 31.

heavily on the SERP programme.[808]

Thus, by spring 1919, the Jews of Estonia had formulated their clear political programme to be implemented in Estonia. The starting point was the expression of their support for an independent Estonia. Their programme included guaranteeing Estonian Jews full rights, including citizenship, and equally importantly, demanding Jewish autonomy. They conceptualised autonomy as a model of self-administration built around the existing but modernised Jewish communities united into one body. Similarly to the Helsingfors Programme, the focus of Jewish self-government was to be the Jews in diaspora, administering their cultural but also socio-economic affairs, complemented with work toward the Zionist goal of settling in Palestine.

4. Minorities and the Paris Peace Conference

Many of the documents, in particular the Baltic German projects analysed earlier in this chapter, were drafted for the Paris Peace Conference. This sub-section brings together the previous analysis of German and Jewish project-making in the transformation process and analyses it in the context of the emergence of international minority protection system in Paris.

For the newly established states, the principal goal at the Paris Peace Conference was to achieve recognition in the international arena. In Paris, the Estonian delegation focused mainly on this effort but also on military questions regarding the ongoing war in Estonia and economic affairs. The Estonian delegation to the conference had prepared an extensive memorandum where they not only justified independence as a bulwark against the Bolshevist threat, but also framed their arguments according to the broader political climate where the German Empire was defeated and the Allies dictated the new order. According this rhetoric, one argument to justify independence was to discredit the earlier dominance of the Baltic German elites. The Estonian diplomats argued that "the policy of the Germans in Estonia has always been a narrow class policy, nationalistic and retrograde, so the struggle against their domination unites all parties and classes in Estonia, each understanding that the future of the country depends on the disappearance of this domination." For the authors, the relative ethnic homogeneity, compared with the rest of Europe, justified the establishment of a separate nation-state for the authors. While a democratic independent state was a kind of counter-project to the corporatist models of the Baltic Germans, the Estonian delegation also stressed that their early documents already included minority

[808] Kuzmany, *Vom Umgang mit nationaler Vielfalt*; Jonathan Frankel, "The Dilemmas of Jewish National Autonomism: The Case of Ukraine 1917-1920," in *Ukrainian-Jewish Relations in Historical Perspective*, ed. Peter J. Potichnyj and Howard Aster (Edmonton: Canadian Institute of Ukrainian Studies, University of Alberta, 1990), 263–79.

protection provisions for the non-Estonian 10 per cent of the population, referring to the Independence Manifesto from February 1918.[809]

Minority rights were one of the key topics at the conference. Already at the beginning of the war, the Allied Powers declared that the future peace must also guarantee the rights of nations.[810] When the delegation of defeated Germany arrived in Paris, they had taken with them minority protection proposals, both for Germans outside Germany, but also for Jews, largely as an extension of German foreign policy.[811]

The Allied Powers ultimately imposed minority protection clauses on the new states in Eastern and Central Europe. To answer the dilemma of ethnic diversity in the new states after the First World War, an international minority protection system was established, wherein new states had to sign Minority Treaties or Minority Declarations. The Polish Treaty, signed in June 1919, became the model for other Treaties and included provisions like civil liberties, freedom to exercise religion, anti-discrimination, and protection against assimilation.[812] In principle, it was a combination of individual rights (some rights were to be enjoyed by the citizens, some by residents) and group rights (some rights were to be enjoyed only as a member of a minority group). While it was the first time in history that an external international actor could restrict the freedom of how states treated their citizens domestically, the international guarantee of these restrictions had its deficiencies. Individuals and minority organisations could present only informative petitions, and it took a long time for the League to process them. The Treaties system also had a paternalist nature, because the Treaties (or Minority Declarations in the case of Estonia, Latvia, and Lithuania) were imposed only on the new states in Europe's east, and the Allied Powers were unwilling to agree to similar restrictions on their own sovereignty, nor impose it on Germany, the defeated party.[813]

In addition to state delegates, numerous non-state actors tried to influence the outcome in their favour. Regarding the minority rights solution, Jewish activists played the most important role. In conceptualising the national question, many Jewish rights activists had already proposed non-territorial autonomy models. The previous parts of the chapter analysed the project of Max Bodenheimer in which he proposed a new federal state framework. Lucien Wolf, a Jewish

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[809] Mémoire sur l'independence de l'Esthonie. Presenté a la Conference de la Paix par la Délégation Esthonienne. Avril 1919, ERA.1622.1.195, pp. 6-7 (on Germans), 2 (ethnic homogeneity), 13 (autonomy provisions).
[810] Robinson et al., *Were the Minorities Treaties a Failure?*, 3–4.
[811] Linares, *German Politics*, 179–98.
[812] The Treaty is published numerous times, see e.g. Carlile Aylmer Macartney, *National states and national minorities* (London: Milford, 1934), 502–6.
[813] On the genesis of Minority Treaties see e.g. Robinson et al., *Were the Minorities Treaties a Failure?*; Janowski, *The Jews And Minority Rights*; Viefhaus, *Minderheitenfrage*; Fink, *Defending the Rights of Others*; For a recent reassessment see: Emmanuel Dalle Mulle and Mona Bieling, "The Ambivalent Legacy of Minority Protection for Human Rights," *Schweizerische Zeitschrift Für Geschichte* 71, no. 2 (2021): 270–73.

representative from Britain, had advocated non-territorial autonomy model for Jews, based on Renner's 1902 book, already in spring 1917. In 1919, Wolf proposed this model for Ukraine.[814] In October 1918, the Copenhagen Manifesto included the demands for a national home in Palestine coupled with demands for Jewish autonomy in diaspora.[815] The Committee of Jewish Delegations (*Comité des Délégations Juives*), one of the most important actors lobbying for minority rights in Paris, included non-territorial autonomy in their proposals in May 1919.[816] Other projects proposing non-territorial autonomy for minorities also circulated at the Paris Peace Conference, such as Rudolf Laun's proposal.[817] Estonian German autonomy activists like Werner Hasselblatt stressed that in drafting the Estonian minorities autonomy law, they relied on Laun's proposal.[818] Chapter six of the dissertation will study more closely these possible intellectual sources of the Estonian minority protection system.

Apart from deciding to send a telegram to the Jewish delegations expressing their solidarity and observing minority activism on the international arena, Estonia's Jews were not closely connected with the Jewish efforts in Paris. The Baltic Germans of Latvia and Estonia were much more active and sent their own delegate to Paris. On behalf of the Baltic German knighthoods, the Baltic Delegation in Stockholm, and the Baltic-German National Committee, Baron Alexander von Meyendorff was sent to the Paris Peace Conference.[819] As a liberal politician he had been a member of the Russian State Duma and its Vice President. He had only recently, in January 1919, resettled from Riga to London and had acquired a position at the School of Slavonic and East European Studies.[820]

The documents that Meyendorff prepared for the Paris Peace Conference are worth a closer look to see how he envisioned minority rights.[821] His draft projects included the principles of territorial and non-territorial rights.[822] In one of his proposals,[823] Meyendorff stressed the need to guarantee proportional representation of minorities in state parliaments, equal rights of minority

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814 Levene, "Nationalism and Its Alternatives," 520–21.
815 Janowski, *The Jews And Minority Rights*, 272–73.
816 Memorandum published in Viefhaus, *Minderheitenfrage*, 228–29; Leon Chasanowich and Leo Motzkin, eds., *Die Judenfrage der Gegenwart: Dokumentensammlung* (Stockholm: Bokförlaget Judäa a.b., 1919), 74–83.
817 Laun, *Entwurf eines internationalen Vertrages*; Hiden, *Defender of Minorities*, 89.
818 Werner Hasselblatt, "Kulturautonomie. Ein Erinnerungsblatt für Prof. Rudolf Laun," in *Festschrift zu Ehren von Prof. Dr. jur. Rudolf Laun: Rektor der Universität Hamburg, anlässlich der Vollendung seines 65. Lebensjahres am 1. Januar 1947*, ed. Gustaf C. Hernmarck (Hamburg: Toth, 1948), 34.
819 Taube, "Von Brest-Litovsk," 212.
820 DSHI Meyendorff 535. Erinnerungen eines baltischen Collaborationisten. Textfragmente, Korrespondenz, Abbildungen. 1942-1952, p. 148.
821 I found the two documents by Meyendroff thanks to Taube's extensive article: Taube, "Von Brest-Litovsk," 215.
822 Meyendorff, Projet. Voeu concernant la protection des minoritcs dans les Etats de la Latvia et de l'Esthonie, Finnish State Archive, Meyendorff collection vol 12 ; Meyendorff, « En cas de création des noveaux etats… », Finnish State Archive, Meyendorff collection vol 12.
823 Meyendorff, « En cas de création des noveaux etats… », Finnish State Archive, Meyendorff collection vol 12.

citizens, and the right to use minority language. The proposal that, within an administrative unit where the minority of the state is in a majority, the minority language has the same rights as the majority language was clearly territorial in character. A very similar principle was later included in the Estonian constitution (§22). Meyendorff also proposed that minorities should have "full autonomy in their schools, economic and charitable institutions, and in administration and legal affairs exercised within the limits of a national community." Some of the principles, however, that Meyendorff proposed, are non-territorial. Namely, he proposed that in order to defend their interests, minorities must have the right to establish national committees elected based on the democratic principle. These minorities, Meyendorff argued, that are "dispersed across the different parts of the same state," must have the right "to form a political and cultural unit for the whole state." Since it is a short list of principles, it is not specified whether these national committees would be institutions that would autonomously govern their national affairs. But these demands could easily be interpreted in this light.

These ideas were not seriously considered at the Peace Conference meetings. The Baltic Committee of the Paris Peace Conference listened to the demands of the Baltic Germans voiced by their representative Meyendorff at the eighth meeting on June 17, 1919. The minutes of the meeting show that the main question discussed was land reform. It was concerning this that Meyendorff mentioned the broad category of minority protection, mainly as something related to property rights. He stressed that the majority of Baltic Germans did not believe that Estonia and Latvia would manage to stay independent in the long term. Neither more specific demands, including non-territorial autonomy provisions from Meyendorff's drafts, nor the general projects by Bodisco and Schilling were discussed.[824]

5. Conclusion

This chapter has analysed how in the period of transformation when the Russian state collapsed and new nation-states emerged, minorities readjusted and drafted different projects and proposals to address the changing situation. Conservative Baltic German noblemen conceptualised the territory of nascent Estonian and Latvian states as one historical whole which would form one Baltic state. When proposing the internal organisation of such a state, they advocated a non-territorial system where autonomous nations making up the state would have wide powers in not only cultural but also military affairs. Jews in Estonia also organised themselves, and drawing on

[824] Rahukonwerentsi Balti komisjon, 1919, ERA.1622.1.194, p. 7, Procès-verbal No. 8. Séance du 17 juin 1919, ERA.1583.2.1, p. 40-46

the ideas of Renner but also the Russian Jewish Socialist Revolutionary Party (SERP), put forward demands for non-territorial autonomy within the new Estonian state. Thus, in different forms, both groups incorporated the demand into their political agendas.

Looking at the two cases—the Baltic Germans and Jews—together highlights some broader aspects of non-territorial autonomy models. Namely, it appears to be a relatively common and widespread element to propose non-territorial autonomy for communities which are dispersed across a broader area where territorial autonomy forms would not work. In particular, these demands emerged in a context of broader transformations, such as the collapse of a bigger political entity and the emergence of a nation-state; or, as it was in the case of Estonian communities in Siberia in 1917–1918, in a context where the possibility of a broader political reform is open. As the chapter demonstrated, in the political agendas of Estonia's Jews and Baltic Germans in 1919, the idea of non-territorial autonomy had clearly taken root as a suitable model to address their changed situation in a new state. The Baltic German case also demonstrates how this model can be used for various political purposes and framed in different ideological settings. In their case, one important dimension was that it was proposed in a broader state framework where they would have preserved their privileged status.

Many of the proposals analysed in this chapter, in particular ideas for a Baltic state, were designed for the international arena, particularly for the Paris Peace Conference. However, as historians Erwin Viefhaus and Arved von Taube have emphasised, the demands of Baltic Germans to establish a supranational Baltic state on a non-ethnic basis, were already too late. By that time, the idea of dividing Europe into nation-states had already become the predominant one among the leading architects of postwar Europe.[825] The idea of a fully democratically organised Russian federation and later the idea of Estonian and Latvian nation-states had emerged as the main goals of Estonian and Latvian politicians, and the idea of a German nobility-dominated corporatist state could hardly win support by them.

Although the demands for non-territorial autonomy in the international arena were not successful, it had already become rooted in the political discourse in Estonia and was included in the Independence Manifesto. It was followed by many years of political campaigning and compromises in the parliament to achieve a law. These proposals from the transformative years are also important in the context of later campaign and the Law on Cultural Self-Government adopted in 1925 by the Estonian parliament. There is a clear, even personal connection with the earlier corporatist projects drafted for the international arena and the later projects that paved the way for the Law. The historian Arved von Taube has argued that Eduard Bodisco's draft analysed

[825] Viefhaus, *Minderheitenfrage*, 155; Taube, "Von Brest-Litovsk," 216.

in this chapter was a precursor to the Estonian Law on Cultural Self-Government for National Minorities from 1925.[826] As chapter six will demonstrate, he prepared further drafts, already in the framework of independent Estonia, that ultimately paved the way for the Law. Similarly, the developments in 1919 were a basis for further activism for autonomy and its ultimate establishment for Jews in Estonia. The Jewish National-Political Committee became one of the main advocates of Jewish autonomy and presented their demands to the Constituent Assembly. Hirsh Aisenstadt, who had emerged as one of the leaders of the Estonian Jewry, was also the main advocate of Jewish autonomy and its future leader.

[826] Taube, "Von Brest-Litovsk," 216.

PART III: The Interwar Period

This part of the dissertation analyses theoretical discussions over and the practical implementation experience of non-territorial autonomy during the interwar period. When Estonian independence was secured, politicians drafted the constitution, which included a promise for non-territorial autonomy for minorities and a Law on Cultural Self-Government. This part of the dissertation argues that these constitutional provisions and the law were born as a result of several important factors, including circulating ideas and knowledge of the non-territorial autonomy model, local conditions, and political compromises.

This part of the dissertation also analyses, based on the example of the case of Jewish Cultural Self-Government, how these autonomy provisions worked in practice, showing how the Jews managed to encompass a vast majority in the autonomy body and yet how the autonomy structures struggled with the language question and scarce funds. This part of the book will also analyse the implications of the authoritarian coup on the minority self-governments and shows how they were reconceptualised in the broader corporatist state framework. Although the work of minority self-governments was limited, they continued their work throughout the authoritarian years.

Finally, the dissertation will conclude with a chapter on discussions over the non-territorial autonomy model in the international arena, and will show that the Estonian law figured in these discussions as a model solution to the minorities question. It will revisit the European Nationalities Congress, whose advocacy for non-territorial autonomy is well-known, but the chapter draws attention to some other important fora which also discussed non-territorial autonomy, such as the Pan-European movement.

Chapter 6 Deliberating Diversity: the Question of Minority Autonomy in Parliamentary Debates, 1919–1934

1. Introduction

This chapter analyses how minority rights, particularly the non-territorial autonomy model, were discussed and conceptualised in interwar Estonia in the democratic parliamentary assemblies and committees. After the parliament passed the Law on Cultural Self-Government, it quickly became a model for many minority activists in Europe and organisations such as the European Nationalities Congress propagated its broader application.[827] Indeed, in the context of the era, Baltic states in general and Estonia with its liberal minority protection regime in particular stand out among other states that had far less minority-friendly legislation or implemented outwardly discriminatory policies.[828] Estonia is often seen as one of the best historical examples, a "poster-child of non-territorial autonomy."[829]

Historians have offered several explanations to the question of why Estonia passed such a law for minority self-government. Anton Weiss-Wendt has argued that the Law on Cultural Self-Government was foremost designed as a compensation to Baltic Germans to alleviate the shock of losing power and property.[830] Kari Alenius has offered a multi-causal explanation, listing seven reasons which contributed to the passage of the law. These included the country's small number of minorities, persistent German advocacy for cultural autonomy, Estonians' political maturity, international pressure, the impetus of the communist coup attempt, the limiting of autonomies to cultural affairs, and the amelioration of Estonian-German relations.[831]

This chapter argues that, in addition to the mostly political reasons listed above, an important additional reason that made passing this law possible was knowledge of the non-territorial autonomy model among politicians and minority activists. In a similar vein with previous chapters, this chapter shows how the authors of the law drafts and the politicians discussing them in parliament sessions drew on the works of different thinkers and several non-territorial autonomy projects. As a result, the law passed in 1925 relied on several circulating conceptions of non-territorial autonomy. In existing scholarship, authors often mention Renner and Bauer in

[827] Housden, *On Their Own Behalf*, 139–389.
[828] David James Smith, *Estonia: Independence and European Integration* (London: Routledge, 2001), 14; Derek Hastings, *Nationalism in Modern Europe: Politics, Identity, and Belonging since the French Revolution* (London-New York: Bloomsbury Academic, 2018), 171; Martyn Housden, "Ambiguous Activists. Estonia's Model of Cultural Autonomy as Interpreted by Two of Its Founders: Werner Hasselblatt and Ewald Ammende," *Journal of Baltic Studies* 35, no. 3 (September 1, 2004): 232.
[829] Coakley, "Introduction," 17.
[830] Weiss-Wendt, *On the Margins*, 69–93.
[831] Alenius, "Birth of Cultural Autonomy."

connection with the Estonian minority protection law, but this is usually done in passing. The analysis offered in this chapter also helps to reveal some important sources the actors relied on in drafting the law, which has so far found no scholarly attention. One such source document was, as the circulation section shows, a minorities law project drafted by Moritz Sobernheim, which directly influenced the drafts of the final law, but which is, in scholarship, so far entirely unknown in connection with the Estonian law.

This chapter also shows that, in the parliamentary discussions, a process of conceptual specification took place. This specification means that, in legal and administrative language, the concept of *self-government* (*omavalitsus*) was increasingly used instead of *autonomy* (*autonoomia*). The latter was the promise that the Independence Manifesto had proclaimed. This conceptual change registers the broader political change: authors of the constitution and the law specified the initial promise for autonomy.

One of the most important impetuses for such a change in the final version of the Law on Cultural Self-Government was that it was based on the model of municipal self-government. Furthermore, this distinction was linked with the legal theory of the era. Many German legal theorists on whose work Russian legal theoreticians and Estonian politicians relied, specified that autonomy differed from self-government insofar as the former had the right to issue its own laws. Since this kind of broad power was considered unsuitable, the authors designed minority protection system as self-government. Yet, simultaneously, autonomy and self-government continued to be used as synonyms by various actors, including minorities and state authorities, hinting at a certain conceptual fluidity.

Conceptual specification and the narrowing down of the symbolic scope of minority protection provisions by using the concept of self-government has some striking parallels with later developments in the conceptual history of neighbouring concepts. Juhan Saharov has demonstrated that, in the late 1980s, in Soviet Estonia, specific expert language was a vehicle for a conceptual revolution which eventually opened space for broader political claims. Namely, specific economic terms, often introduced via international connections—such as "economic self-management"—emerged as central concepts in political discussions, gradually allowing for the articulation of bigger concepts such as "sovereignty" or "independence."[832] The case of minority self-government studied in this dissertation demonstrates that there can be a reverse process. In the practical implementation process, and political compromise-making, a broader political

[832] Juhan Saharov, *From Economic Independence to Political Sovereignty: Inventing "Self-Management" in the Estonian SSR*, Dissertationes Rerum Politicarum Universitatis Tartuensis 21 (Tartu: University of Tartu Press, 2021).

concept such as autonomy can be gradually superseded with a more specific administrative term such as self-government.

This chapter is based on a close reading of the minutes of the meetings of parliamentary bodies that existed during this period: the Constituent Assembly (*Asutav Kogu*, 1919–1920) and the parliaments (*Riigikogu*, 1920–1934) during the democratic era. This chapter uses additional materials such as archival documents, committee minutes, and published texts from journals and newspapers to get a fuller picture. Politicians held the most important discussions over autonomy in these parliamentary bodies and agreed on the legal arrangement. Through the work of the Constituent Assembly, the constitution was drafted, and the first major discussions were held over the paragraphs on minority rights. For several years, the parliament discussed minority rights and ultimately passed the Law on Self-Government, which became the basis of minority autonomies. The discussions held in these assemblies were multilingual: the German and Russian delegates often talked in their native language, whereas most of the discussions were in Estonian.[833]

The first body, the Constituent Assembly, convened on April 23, 1919, and elections to the body took place at the beginning of the month. One of the most important legal documents that this body drafted was the constitution—adopted on June 15, 1920—which gave a legal basis and framework for political life for the following years. Although drafting a constitution for the nascent Republic of Estonia was one of the main tasks of this body, it also drafted numerous other laws and laid the foundations for the state. For instance, among the laws passed was the land reform law, which expropriated large land estates, and was thus mainly targeted against the former Baltic German landowning nobility. This body, consisting of 120 seats, had a left-wing majority. The biggest parties from this spectrum were the Estonian Social Democratic Labour Party (41 seats), the Labour Party (30 seats), and the Socialist-Revolutionary Party (7 seats). Other major actors present were the conservative-national Estonian People's Party (25 seats), and the Estonian Agrarian Union (8 seats). The Constituent Assembly concluded its work on December 20, 1920.[834]

The constitution passed in the Constituent Assembly was strongly affected by left-wing forces, and the authors of the document drew on several other constitutions, most importantly the 1919 Weimar constitution but also on the Swiss and US constitutions. It gave strong powers to the parliament, which consisted of 100 seats, and was elected every three years.[835] The electoral

[833] Raimo Raag, "The Multilingual Parliament: Language Choice by Non-Estonian Members of Parliament in Parliamentary Debates in Estonia 1919-1934," in *The Ethnic Dimension in Politics and Culture in the Baltic Countries 1920-1945*, ed. B. Metuzāle-Kangere (Huddinge: Södertörns högskola, 2004), 93–120.
[834] Valge, *Eesti parlament*, 117–75.
[835] On the constitution see e.g. Marju Luts-Sootak, "Eesti Vabariigi 1920. aasta põhiseadus - kas on põhjust olla uhke?," *Riigiõiguse aastaraamat*, 2021, 11–33; Eugen Maddison and Oskar Angelus, *Das Grundgesetz des Freistaats Estland vom 15. Juni 1920* (Berlin: Carl Heymanns Verlag, 1928), 8.

system was crafted to enable numerous parties to achieve parliamentary representation. This also meant that no party had a majority in parliament. During the first half of the 1920s, when the autonomy law was discussed, more than ten lists were present in the parliament. The parties with the largest delegations in the parliament were the Agrarian Union, the Estonian People's Party, and the Estonian Christian People's Party from the political right, along with the Labour Party, the Estonian Social-Democratic Workers' Party, and the Estonian Independent Socialist Worker's Party from the political left.[836]

It was the representatives from the Social Democratic Workers' Party and from the Estonian People's Party that were the strongest opponents to minority autonomy. Many Social Democrats, although sympathetic to the overall idea, opposed minority autonomy due to their anti-German stances, and were sceptical about guaranteeing the former power elite a special autonomy arrangement. The Estonian People's Party opposed the arrangements for similar reasons, but also had strong doubts about the non-territorial autonomy model as such. At the same time, Konstantin Päts and his agrarian party were one of the strongest allies of minority delegates in trying to pass the autonomy law. Delegates from the Estonian Labour Party and the Christian People's Party also expressed their support.

These democratically elected parliamentary bodies reflected the ethnic composition of Estonia and thus had mainly Estonian delegates. Nevertheless, several minorities also managed to win seats: the Germans, Russians, and Swedes. In the Constituent Assembly, all three were present, the biggest being the faction of the German Party of Estonia (3 seats out of 120). The Russian Citizen's Union managed to win one seat, and Swedes were represented by Hans Pöhl, who ran on the list of the Christian People's Party. Similar representation of minorities followed in later years in the First (1920–1923; Germans 4, Russians 1, Swede 1) and Second (1923–1926; Russians 4, Germans 3) Parliaments with 100 seats. In the Second Parliament, however, the Swedes did not manage to win a seat and the Russians increased their delegation to four seats.[837] Starting from the Fourth Parliament in 1929, the Germans and Swedes ran as a joint German-Swedish electoral bloc. Regarding minority rights, these delegates, in particular the Baltic Germans, were the most enthusiastic campaigners for autonomy. Such a campaign was now on their agenda since, as opposed to the more conservative circles analysed in the previous chapter, more liberal, democratically minded German politicians emerged who were able to lead this effort.[838]

[836] Communists were also present in the parliament. In the first parliament, as a part of the Independent Socialist Party, they held 5 seats. In the second parliament, as the Workers' United Front, they held 10 seats. However, they were not actively involved in cultural autonomy discussions.
[837] Valge, *Eesti parlament*, 118, 177, 213.
[838] Garleff, "Die Deutschbalten als nationale Minderheit," 484–86.

However, the share of minority MPs in the parliaments was smaller than their overall share in the state population. According to the Estonian census of 1922, Estonians constituted 87.7 per cent of the overall population, meaning that the minorities constituted slightly over 12 per cent of the population.[839]

Due to their small number and the electoral system, which did not favour smaller ethnic groups, the Jews never managed to win a seat in the Estonian parliament.[840] In the elections to the First Parliament, they set up a Jewish minority list, but it managed to win only a couple of hundred votes and did not secure a seat.[841] Some studies have suggested that Jewish citizens voted for the socialists, but these claims are unsubstantiated as there are no studies into Jewish electoral behaviour in Estonia.[842] Mathematically, it would have been impossible for them to win a seat with the votes the approximatel 3,000 Jewish citizens alone: the list with the smallest number of votes which secured a seat in the parliament gained more votes than the number of Jewish citizens.[843] However, in the early phase of drafting the constitution, although not represented in the Constituent Assembly, the Jews of Estonia also attempted to participate in the negotiations over minority rights by sending their proposals and petitions.

The analysis of parliamentary debates and conceptual change in political language draws on the recent increase in interest in the conceptual history of parliamentary debates and parliaments as such.[844] Similarly, there has been recent interest in constitution-making constituent assemblies.[845] Conceptual historians have argued that parliaments have been arenas where politicians debating political affairs have made crucial conceptual choices and intentionally innovated political language, triggering conceptual shifts that were not always fully synchronised with broader political shifts.[846] Drawing on this recent "parliamentary turn," this chapter tries to offer an analysis of the political debates and thus expand knowledge of the Estonian minority

839 Ainsaar, *Eesti rahvastik*, 31.
840 Tõnu Parming, "The Jewish Community and Inter-Ethnic Relations in Estonia, 1918-1940," *Journal of Baltic Studies* 10, no. 3 (1979): 256.
841 For documentation see: ERA.80.1.98; ERA.80.1.25; ERA.1107.1.9.
842 Weiss-Wendt, "Thanks to the Germans," 91.
843 Valge, *Eesti parlament*, 177.
844 Pasi Ihalainen, *The Springs Of Democracy: National and Transnational Debates on Constitutional Reform in the British, German, Swedish and Finnish Parliaments, 1917-1919* (Helsinki: Finnish Literature Society, 2017); Pasi Ihalainen, Cornelia Ilie, and Kari Palonen, eds., *Parliament and Parliamentarism: A Comparative History of a European Concept* (Berghahn Books, 2016); Ivan Sablin and Egas Moniz Bandeira, eds., *Planting Parliaments in Eurasia, 1850–1950: Concepts, Practices, and Mythologies* (London: Routledge, 2021); Alexander M. Semyonov, "Imperial Parliament for a Hybrid Empire: Representative Experiments in the Early 20th-Century Russian Empire," *Journal of Eurasian Studies* 11, no. 1 (January 1, 2020): 30–39.
845 Jon Elster et al., eds., *Constituent Assemblies* (Cambridge: Cambridge University Press, 2018).
846 Pasi Ihalainen and Kari Palonen, "Parliamentary Sources in the Comparative Study of Conceptual History: Methodological Aspects and Illustrations of a Research Proposal," *Parliaments, Estates and Representation* 29, no. 1 (January 1, 2009): 23–30.

rights regime beyond the road to autonomy already analysed in several studies.[847]

2. The long road to the Law on Cultural Self-Government in 1925

Before analysing some of the themes in these parliamentary debates, it is important to revisit the process by which the Law on Cultural Self-Government came into being. After the Independence Manifesto from February 1918, the Constituent Assembly was the most important forum for discussions over minority rights. It convened for the first time on April 23, 1919, and concluded its work on December 1920. The Constituent Assembly drafted the constitution, which gave the legal basis for minority autonomy.

During the revolutionary year of 1917 and the early years of independent Estonia until the Constituent Assembly convened, the Estonian political elite engaged in relatively minority-friendly politics. Baltic Germans and Swedes were co-opted to the Estonian Provincial Diet, the Independence Manifesto was addressed to all peoples of Estonia, and the Estonian political leaders included three National Ministers (*rahvusminister*) to represent Swedes, Russians, and Germans in the Provisional Government.[848] By the time the Constituent Assembly convened for the first in April 1919, the relationship between Germans and Estonians had seriously deteriorated. This was largely due to attempts to establish a Baltic Duchy, analysed in the previous chapter, and the fact that in the elections, the more minority-friendly Agrarian Party of Konstantin Päts suffered considerable losses and more strongly anti-German leftist parties gained a majority.[849]

Nevertheless, despite the growing tensions, the constitution included a package of relatively liberal arrangements for minorities. The constitution adopted by the Constituent Assembly on June 15, 1920, included numerous minority protection clauses (§§ 12, 21, 22, 23).[850] These included a guarantee for education in the mother tongue, the right to use minority languages as official languages in municipalities where the minority was in a numerical majority, and the right to turn to state institutions in Swedish, German, and Russian languages. Most importantly, §21 gave backing for non-territorial minority self-governments: "Members of minority nationalities

[847] Garleff, *Deutschbaltische Politik*, 104–13; Vesa Vasara, "Das estnische Parlament und die Deutschbalten. Zu den Debatten bis zur Verabschiedung der Kulturautonomie 1925," *Nordost Archiv* Bd IV, H. 2 (1995): 479–500; Laurits, *Saksa Kultuuromavalitsus*; Kaido Laurits, "Vähemusrahvuste kultuuromavalitsuse seadus," *Õpetatud Eesti Seltsi aastaraamat: 2006*, 2008, 23–53; Housden, *On Their Own Behalf*, 83–111.

[848] Mart Kuldkepp, "Vähemusrahvuste küsimus Eesti riikluse tekke- ja algusperioodil," *Õpetatud Eesti Seltsi aastaraamat*, 2022, 167–77; Kari Alenius, "Under the Conflicting Pressures of the Ideals of the Era and the Burdens of History: Ethnic Relations in Estonia, 1918–1925," *Journal of Baltic Studies* 35, no. 1 (March 1, 2004): 35–36.

[849] Kuldkepp, "Vähemusrahvuste küsimus," 176–77.

[850] "Eesti vabariigi põhiseadus," *Riigi Teataja*, no. 113/114 (September 8, 1920): 897–902; for translations see e.g.: *Constitution de la République Esthonienne: adoptée par l'Assemblée Constituante le 15 juin 1920* (Paris: Délégation Esthonienne, 1920); Maddison and Angelus, *Das Grundgesetz des Freistaats Estland vom 15. Juni 1920*.

living within the borders of Estonia may set up autonomous institutions in the interest of their national culture and welfare as long as they do not conflict with the interests of the state."[851]

The constitution's paragraph guaranteeing the right to create autonomous minority institutions was the one that the German minority attempted to put into use, thus setting up their autonomy. At the beginning of January 1921, shortly after the constitution came into force, the Germans submitted an application to the government to establish autonomy. However, the government rejected the application, referring to the necessity of having a special law which would specify the constitutional promise for autonomy.[852] This meant that work continued in parliament to achieve a special law. In the following years, numerous politicians and state officials were involved in the process. Most importantly, scholars have stressed the central role of Werner Hasselblatt in the campaign and to smaller extents the roles of Konstantin Päts, Ewald Ammende, as well as the state officials Eugen Maddison and Oskar Angelus.[853] However, several others—Eduard von Bodisco, Jaan Tõnisson, and August Spindler, to name a few—were involved in the process.

Long debates over the "ifs" and "hows" in realising the paragraph promising minority self-government marked the years that followed. These debates lasted until early 1925, when the Law on Self-Government was ultimately passed. The first attempt to introduce an autonomy law for minorities was in April 1921 when the German, Swedish, and Russian delegates handed in the draft program of the Autonomous Unions of National Minorities. The draft was prepared by the Baltic German politician Eduard von Bodisco (whose work was analysed in the previous chapter) and envisioned establishing "autonomous minority unions." This draft included all of the main aspects that the later law included: public law institutions, a national list based on voluntary inclusion, an elected "legislative" arm and an executive, as well as powers over cultural and social welfare affairs. The discussions in the parliamentary plenary sessions and committees of the First Parliament lasted for years, and the parliament did not pass it before the new parliamentary elections in May 1923.[854]

In July 1923, soon after the elections to the Second Parliament, German representatives handed in another draft, practically identical to the previous one. However, the Estonian politicians Jaan Tõnisson and Jüri Jaakson (1870-1942) of the Estonian People's Party soon presented a competing project.[855] Their project proposed a territorially anchored arrangement where minority

[851] Vasara, "Das estnische Parlament," 482–85; Hannes Vallikivi, "Kodanikuõiguste peatükk Eesti 1919. aasta ajutises põhiseaduses," *Ajalooline Ajakiri*, no. 3/4 (2019): 293–330; Smith and Hiden, *Ethnic Diversity*, 31.
[852] Garleff, *Deutschbaltische Politik*, 106; Laurits, *Saksa Kultuuromavalitsus*, 48–49.
[853] Housden, "Ambiguous Activists," 234.
[854] Laurits, *Saksa Kultuuromavalitsus*, 49–50; 188–97; Smith and Hiden, *Ethnic Diversity*, 36–37.
[855] Laurits, *Saksa Kultuuromavalitsus*, 259–64.

self-governments would fall under the purview of local municipal self-governments.[856] In the discussions, it was decided that the parliament would move on with the German draft, but the entire process was dragged out due to Tõnisson and his party maintaining strong opposition to any non-territorial arrangement. This hindrance was solved via personal negotiations between German representatives and Tõnisson; in March 1924, they reached an agreement. According to the agreement, autonomy had to be purely cultural, focusing mainly on schools and including local-municipal elements such as cultural curatoria and electoral districts.[857] Further work and debates followed in the committee and plenary sessions, and, ultimately, the law was passed on February 12, 1925.[858] A further impetus that possibly speeded up the passing of the law in early 1925 was the attempted communist coup on December 1, 1924.[859]

The slowness of passing the law, despite promises for cultural autonomy in the Independence Manifesto and in the constitution, had several reasons. After the early months of independence and attempts to gain support from minorities, there was less and less willingness to accommodate the claims of minorities. There was also scepticism about the very model, the complicated institutional structure which some saw as a parallel structure to the state, "a state within the state." These fears, in turn, were closely connected to understandings of the novelty of the model, with the argument that Estonia was the first to implement this form of autonomy. Some argued that this meant entering unknown legal terrain. This argument is analysed more thoroughly later. Another cause for opposition was anti-German sentiment, largely due to their historically dominant role. This was, in particular, the case among some politicians from the Left, but also in the case of Jaan Tõnisson, whose opposition played the most important role in the prolongation of passing the law.

Before moving on to the theoretical discussion, it is important to discuss which groups and actors were the main advocates of autonomy. Scholars have stressed that it was mainly the Germans who campaigned for autonomy and that the law was drafted according to their interests. Anton Weiss-Wendt has argued that, for this reason, the Jews were mere "unintended beneficiaries" of the autonomy arrangement, designed for the Germans to alleviate the shock of losing power and having had their property nationalised.[860]

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856 Laurits, 53–54.
857 Laurits, 54–55.
858 Laurits, 58; 266–80; "Wähemusrahwuste kultuur-omawalitsuse seadus," *Riigi Teataja*, no. 31/32 (February 21, 1925): 153–56; The law has been published on several occasions: "Law on the Cultural Autonomy of Racial Minorities in Esthonia," *League of Nations - Official Journal*, no. 6 (1925): 788–91; "Das Gesetz über die Kultur-Selbstverwaltung der völkischen Minderheiten in Estland.," *Zeitschrift für osteuropäisches Recht*, no. 1 (1925): 114–21.
859 Smith and Hiden, *Ethnic Diversity*, 41.
860 Weiss-Wendt, "Thanks to the Germans."

Nevertheless, a closer look does show that, particularly during the early years, some form of cultural autonomy was far from being the goal of the German minority alone. Several minority groups adopted various autonomy programmes internally and voiced these to the authorities. The previous chapter showed how Jews adopted their autonomy programme in the spring of 1919. When the Constituent Assembly started its work, they sent several petitions expressing their interest in achieving autonomy provisions, and their demand for inclusion in the respective discussions in the committees.[861] These demands and petitions fell on deaf ears, however, and it led to no fruitful cooperation with Estonian officials. Still, by voicing these demands, the Jews managed to impact the overall political discourse, showing that there was interest in autonomy among the minorities. In light of these proposals, Hasselblatt's claim from the postwar years that the Jews of Estonia had no interest in establishing autonomy, and that only the influence of Jews from neighbouring countries made them do so, is simply incorrect.[862] However, the studies into cultural autonomy in Estonia from the Cold War years had access mainly to Baltic German sources, and thus paid little attention to the role of other actors in the process of achieving the Law on Cultural Self-Government. Furthermore, recent studies have stressed that the Swedes were the first to formulate the demand for cultural autonomy even before independence.[863] In the Constituent Assembly, the Swedish delegate Hans Pöhl formulated the paragraph promising minorities autonomy, which was ultimately included in the constitution.[864] In addition to German and Swedish delegates in the Constituent Assembly and parliaments, several Russian delegates cooperated and supported passing an autonomy law.

In the early plans for minority autonomy, the various minorities collaborated. In the summer of 1919, Germans, Russians, Swedes, and Jews all cooperated on a minority school law draft.[865] The first autonomy law draft of 1921 handed to the parliament was signed by all three minorities who had seats in the parliament, the Germans, Swedes, and Russians.[866] In the preparations of this draft, the Jewish minority, despite not being elected to the parliament, was also involved. Several technical points (the number of delegates and the duration for which the National Diet was to be elected), which the Jewish minority proposed to change before handing in the draft, were indeed considered.[867]

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861 ERA.15.2.1020, pp. 5-6, 54-56, 64-69 134, 171-173.
862 Werner Hasselblatt, Erinnerungen, 1953, DSHI 140 Balt 488, pp. 56-57.
863 Mart Kuldkepp, "The Estonian Swedish National Minority and the Estonian Cultural Autonomy Law of 1925," *Nationalities Papers* 50, no. 2 (2022): 2.
864 Laurits, *Saksa Kultuuromavalitsus*, 47.
865 Protokoll der Ausschuss-Sitzung, 08.07.19, ERA.1000.1.6, p. 3.
866 Laurits, *Saksa Kultuuromavalitsus*, 49.
867 An die Deutschbaltische Partei in Estland, 22.03.1921, ERA.2297.1.5, unpaginated.

It is perhaps even more important to emphasise the role of Estonian politicians. Although several influential politicians like Tõnisson stood in the way of passing a minority autonomy law, there were several who strongly endorsed it. As the previous chapters of this study showed, in the year before the Constituent Assembly convened, Estonian activists demanded autonomy for Estonians and familiarised broader circles with the non-territorial autonomy model and made it well-known. This was a crucial basis for later discussions in the Constituent Assembly and the parliament. Furthermore, while this law would not have materialized without the tireless activism of the minorities, the conceptualisations, counter-proposals, and discussions of Estonian politicians considerably shaped the outcome. Without the support of Estonian politicians, who held the vast majority of the seats in parliament, it would have been impossible to pass the law.

3. A shift from autonomy to self-government

A close analysis of legal texts and discussions shows an important change in political and legal language. Namely, although the initial promise in the Independence Manifesto from 1918 was autonomy (*autonoomia*) for minorities, the final version of the law passed in 1925 did not include the word autonomy or autonomous at all and only spoke about self-government (*omavalitsus*). This sub-section will analyse this shift. It argues that this took place largely due to the legal-theoretical distinction between the two models and due to adaptation and political negotiations. The non-territorial autonomy model that had entered into political discourse, was known through the concept of autonomy. When it was actually being introduced by a law, politicians referred to a legal-conceptual differentiation. This meant that self-government was understood as a weaker model, whereas autonomy with a right to issue laws was considered a stronger concept more suitable for big multi-ethnic states and empires. In the negotiations to adopt this model, it was reworked for the specific cultural and political concept under the name of self-government.

This process of autonomy disappearing and self-government taking over was gradual. The Independence Manifesto promised "rights for national-cultural autonomy (*rahvuskulturilised autonomia õigused*)." The constitution coming into force in 1920 did not speak explicitly about autonomy but used it as a qualifier by granting minorities a right to establish "autonomous institutions (*autonoomseid asutusi*)." In 1925, "autonomy" was missing from the law elaborating this paragraph: it neither appeared as an independent term nor as a qualifier. The law only spoke about "cultural self-government (*kultuur-omavalitsus*)." Studies have argued that the much more restrictive authoritarian constitution of 1938 spoke only about self-government institutions instead of

autonomous institutions that the constitution of 1920 had stipulated.[868] This analysis shows that such a change had already started earlier.

One reason behind this conceptual shift was the theoretical distinction between the two models, which was common in legal discourse in Europe in the era and became increasingly important when implementing this minority protection arrangement. Namely, in the last decades of the nineteenth and at the beginning of the twentieth century, German legal scholars had defined autonomy (*Autonomie*) as a model with the right to issue its own laws. This is also the original meaning of the Greek word "autonomos". The parts of this word can be translated as "self (*auto*)" and "law (*nomos*)". The influential German legal scholar Paul Laband defined autonomy as a model of administration when the respective body not only governs but also has the right to issue its own laws (*Selbstgesetzgebung*) for the respective spheres in which it is autonomous. According to this approach, self-government (*Selbstverwaltung*) was a form of administration were the norms and laws for governing were given by another entity and the self-government was the body only to practically implement these under the supervision of a higher body.[869] Georg Jellinek, another leading constitutional lawyer of the era, similarly wrote that autonomy is defined by the right to issue one's own laws.[870] Largely drawing on these German legal scholars, this distinction was also common in the works of Russian liberal legal scholars at the beginning of the twentieth century. For instance, in a similar way, both Fedor Kokoshkin and Nikolai Lazarevski distinguished autonomy from self-government.[871] Kokoshkin defined autonomy as the right to issue one's own laws via one's own local parliament, while institutions of self-government (*samoupravlenie*) had the right to operate within the limits of the law given from outside.[872]

A majority of Estonian politicians had acquired their university education at the universities of the Russian Empire, either from St. Petersburg or from Dorpat/Tartu. Law was one of the most popular degrees among them, and thus many were well-versed in this distinction. In the state reform debates in 1917, politicians and activists often referred to precisely this conceptual difference.[873] This distinction also continued in the works of Estonian legal scholars during the interwar years when, for instance, Nikolai Maim, one of the leading public lawyers of interwar Estonia, argued that self-government was a form of decentralisation where locals decide over local matters. Autonomy, Maim continued, was a form of government with its own legislative

868 Smith and Hiden, *Ethnic Diversity*, 102.
869 Paul Laband, *Das Staatsrecht des Deutschen Reiches. Bd. I.* (Tübingen: Laupp, 1876), 105–9.
870 Georg Jellinek, *Allgemeine Staatslehre* (Berlin: Julius Springer, 1920), 483–96, 637–47.
871 Khripachenko, "National Challenges to Decentralization," 271.
872 Yoshiro, "Toward an Empire," 121–27.
873 Õsso, "Mida mõistame," 45–48; Luts, *Autonomia ja föderatsion.*

rights, mostly used by bigger multi-national states where the state granted autonomy to a respective part of the state.[874]

In the parliamentary debates when politicians discussed minority rights, they relied on this theoretical distinction. Konstantin Päts played an important role in framing Estonia's non-territorial minority rights system in terms of self-government instead of autonomy. In the debates in the Constituent Assembly, Päts was a vocal supporter of granting some form of non-territorial arrangement for minorities to protect their rights. At the same time, in May 1920, he rejected granting national-cultural *autonomy* for minorities because of the very distinction analysed above. Päts argued:

> We cannot, of course, say in the constitution that the nationalities should be given autonomy. The boundaries of autonomy are very broad. Autonomy can go so far that any minority nation can claim its own parliament and its own government in national affairs. This would be autonomy in the true sense of the word. Autonomy creates its own laws; that is the plain meaning of the word borrowed from the Greek language. Self-government is not autonomy in the true sense of the word. We cannot go as far as the boundaries of the concept of autonomy can be stretched, and I believe that neither do the demands of our minorities. We should allow them certain rights of self-government, we should include promises of protection of their nationality and culture in the constitution, and leave everything else out of the constitution. … I believe that there should be no legal obstacles to permit the exercise of the interests of the nationality in the form of self-government, which need not be local self-government, but may be set up on a specialised basis, as in the case, for example, of the provision allowing universities to be self-governing.[875]

The likely reason why Päts advocated such a model is that he was strongly influenced by the German-American political thinker Francis Lieber. In 1908, Päts had translated Lieber's 1853 book *On Civil Liberty and Self-Government* into Estonian. In this book, Lieber advocated a modern state consisting of self-governing public bodies which would guarantee civil liberty.[876] This dimension—an organically organised state consisting of self-governing corporations—became even more important when Päts started to implement his vision of a corporatist state during his authoritarian rule. This will be analysed in chapter eight.

As a result of the discussions in the committee and plenary sessions of the Constituent Assembly, the final version of the constitution defined minority protection provisions as the right

[874] Nikolai Maim, *Riigiõigus: Üldine osa. Prof. N. Maimu kava järgi koostanud Stud. jur E. Janson* (Tartu, 1934), 109–16.
[875] *Asutawa Kogu IV istungjärk. protokollid nr. 120-154. 13. apr.-31. dets. 1920. a.* (Tallinn: Asutav Kogu, 1920), col. 608; Päts repeated this in 1923: Laurits, *Saksa Kultuuromavalitsus*, 217–18.
[876] Andres Kasekamp, "Corporatism and Authoritarianism in the Baltics: Päts' Estonia in Comparison," in *Corporatism and Fascism: The Corporatist Wave in Europe*, ed. António Costa Pinto (London-New York: Routledge, Taylor & Francis Group, 2017), 258; Liisi Veski, "Towards Stronger National Unity: Statist Ideas in Estonian Nationalism during the 'Era of Silence' (1934–1940)," *Journal of Baltic Studies*, no. 0 (March 16, 2023): 7.

to establish institutions for the purpose of national culture. However, the constitution still included "autonomous" as a qualifier for these bodies.[877]

An even clearer conceptual-legal shift toward self-government happened when politicians negotiated the specific minority protection law. This shift was largely due to adjusting this autonomy model to the specific Estonian legal and administrative context. In the parliament committee discussions in January 1923, three options were discussed: associations of private law, autonomy in its wider sense, and self-government, both of which were institutions of public law. Päts further raised the possibility to model minority protection bodies as chambers (*Interessenverwaltung*, *Kammer*). Relying on the works of German legal scholar Lorenz von Stein, he argued that, in some countries, the state has delegated some of its tasks to these bodies yet internally they are free and can be seen as official bodies (*Behörde*). Ultimately, in these committee meetings, the parties decided to proceed with the self-government model.[878]

A further cause for the shift to the concept of self-government was the principled opposition to the extraterritorial autonomy model by Jaan Tõnisson and his party. In the parliamentary discussions, Tõnisson was not against protecting minorities' rights, but opposed the extraterritorial autonomy that the minorities proposed. Instead, Tõnisson argued for a model where minorities' cultural affairs and social welfare would be administered within local self-governments (*omavalitsus,* be it a county, city, town, borough or municipality) without any superstructure encompassing all these individual self-governments.[879] Regular local self-governments would have dealt with these affairs, not specifically territorial minority units. In October 1923, they handed in their law draft that proposed a model of decentralised territorial self-government (*omavalitsus*).[880] Tõnisson justified this with the argument that cultural life was closely connected with local communities within municipalities. The project proposed that belonging to the respective national institution was voluntary, meaning that theoretically several self-governments of nationalities could coexist within the territorial municipality. Yet this model did not include any overarching body encompassing all these local communities, which was one of the central demands of Germans.

Ultimately, after lengthy discussions and negotiations, in March 1924, Tõnisson and his party and German advocates for autonomy reached an agreement on the terms of how exactly to design the minority protection system.[881] Since Tõnisson and his party had been the main opponents of the non-territorial autonomy law drafts, this agreement played a major role in getting

[877] *Asutawa Kogu IV istungjärk: protokollid nr. 120-154*, cols. 799–801.
[878] Laurits, *Saksa Kultuuromavalitsus*, 216–21.
[879] *I Riigikogu protokollid. IX istungjärk: [11. jaan. - 9. märts 1923]: protokollid nr. 185-221* (Tallinn: Täht, 1923), col. 2428.
[880] Reprinted in Laurits, *Saksa Kultuuromavalitsus*, 259–64.
[881] Laurits, 55; Garleff, *Deutschbaltische Politik*, 110; Housden, *On Their Own Behalf*, 93.

the law draft finally passed in the parliament. As a result of this agreement, some elements of the Tõnisson-Jaakson draft were incorporated. For instance, in the vein of decentralisation, the new draft introduced local cultural curatoria and territorial election lists.[882] These, however, were not connected with the local municipal self-governments but were a separate structure, part of the minority self-government with a central seat in Tallinn. Furthermore, lawmakers decided that the minority self-governments would be constructed on the same legal basis as municipal self-governments. To conclude, political compromise and legal constructions relying on the principles of municipal self-governments were the main reasons why the final minority protection arrangement was conceptualised in terms of self-government and not autonomy.

At the same time, although the switch from autonomy to self-government was largely due to the legal theoretical differentiation, there was some vagueness in political language. Some legal scholars had pointed out that these concepts were sometimes used as synonyms.[883] This vagueness was also present in the political discourse in Estonia. In July 1923, a Baltic German newspaper in Estonia admitted this vagueness and gave a relatively broad definition of autonomy which diverged from the dominant approach analysed above:

> At this point, we do not want to get involved in an examination of the ideas of self-government or autonomy, as this could lead too far since the concepts of autonomy or self-government have not yet been sufficiently elaborated in legal or administrative doctrine to concisely state the differences or similarities between these two concepts. Therefore, we understand the word autonomy as the administration of the national interests by a particular national minority.[884]

In these discussions, all parties occasionally used these concepts without giving a clear distinction. In one of their proposals from June 1919, the Jewish minority proposed that minorities should have constitutionally guaranteed self-government rights (*omavalitsuslikud õigused*). The spheres for which the self-governments had to be responsible were schools, social welfare, cultural institutions, the right to collect taxes, and autonomous institutions.[885] In one of the German proposals from September 1919, they demanded autonomy.[886] A couple of months later, at the beginning of 1920, they sent similar proposals but used the concept of self-government.[887]

At the same time, although these concepts were occasionally used as synonyms, autonomy was generally understood as a more extensive right than self-government, just like legal scholars

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[882] *II Riigikogu: IV istungjärk: protokollid nr. 98-114. 29. apr. - 6. juuni 1924* (Tallinn: Riigikogu, 1924), col. 932.
[883] Julius Hatschek, *Die Selbstverwaltung in politischer und juristischer Bedeutung* (Leipzig: Duncker & Humblot, 1898), 75, 104; Laband, *Das Staatsrecht des Deutschen Reiches. Bd. I.*, 107–8.
[884] A. V., "Die Resultate der Wiener Tagung der Völkerbundligen-Union," *Revaler Bote*, July 16, 1923.
[885] Juudi Rahwusline Komitee Eesti Wabariigis Eesti Wabariigi Asutawa Kogu Praesiidiumile, 03.06.1919, ERA.15.2.1020, pp. 5-6.
[886] Protokoll, 08.09.1919, ERA.1000.1.6, p. 8.
[887] Saksa rühma ettepanek, January 1920, ERA.15.2.374, p. 14.

had suggested. In 1923 and 1924, at Baltic German Party meetings, the German politicians discussed the difference between the two in light of the parliamentary campaign. Several delegates found that autonomy provisions would give broader rights and less state control over minority affairs but at the same time considered it unrealistic. Some would have in essence agreed with the term self-government, but believed that it would not be a good idea to abandon the concept (*Begriff*) of autonomy. Some drew attention to the popularity and importance of the concept of autonomy in the world and believed that replacing it with self-government might leave the impression that Germans in Estonia were too compliant. Other party members stressed that whether the system will be named autonomy or self-government was not important. They did not underline a distinction between the two and considered the relationship with the state and its powers more important. Ultimately, the meeting decided that they would continue campaigning for autonomy—an arrangement on an extraterritorial basis guaranteeing public law institutions.[888]

This parallel usage also continued after the passage of the law at the beginning of 1925. Although the official names of the institutions were minority self-governments, state officials from the Estonian majority and minority activists used the term "autonomy" to write about these bodies.[889] The parallel usage and a certain conceptual vagueness has several reasons. One reason is the legal-administrative differentiation analysed above, which was not fully reflected in political discourse. This, in turn, was closely related to the roots of the law and autonomy discourse: when the rights of nationalities were discussed in the late Tsarist and revolutionary years, the discourse centred around the concept of autonomy. In this discourse, autonomy was proposed as a means to reorganise the vast multi-ethnic state. Along the same lines, in the early years of independence, minorities proposed autonomy to defend their rights. Yet, in actually implementing these rights, the earlier layers of this discourse were still present, although the actual system was based on a different model.

4. Which groups were eligible for self-government?

As seen in the previous chapters, non-territorial autonomy was proposed as a means to categorise the entire population of the state into national autonomies, or was used to demand the protection

[888] Protokoll, 10.06.1923, ERA.1000.1.9, pp. 26-32; see also Delegiertentag Protokoll, 17.02.1924, ERA.1000.1.11, unpaginated.
[889] Werner Hasselblatt, "Die Durchführung der Kulturautonomie in Estland," Staat und Volkstum. Für den Deutschen Schutzbund, Bd. 2 (1926); Werner Hasselblatt, "Die Kulturautonomie in Estland," *Süddeutsche Monatshefte*, no. Heft 10, 26. Jahrgang (July 1929): 705–8; Klau, "Der Werdegang des estländischen Kulturautonomiegesetzes," *Deutsche Arbeit* XXIV (1925); see also the minutes of Jewish Cultural Self-Government; Eugen Maddison, *Die nationalen Minderheiten Estlands und ihre Rechte* (Tallin, 1926), 8.

of one's own national culture. The situation is different if the non-territorial autonomy model is applied within a nation-state and designed not for the entire population but the minority groups.

In the early years of independence, it was unclear which groups are recognised as minorities. The lists of minority groups varied in different documents: sometimes it included Jews, sometimes Latvians, sometimes it listed three main groups and added simply "others".[890]

Three "core" minority groups were always explicitly mentioned in documents: Germans, Russians, and Swedes. In the discussions, they were defined on the basis of two arguments: the historical roots of the group and its size. These three groups had the longest historical presence in the territories of Estonia. Germans had been the historical elite, and the entire democratic Estonian nation-state project had overturned existent power relations: revolutions, independence, and the nationalisation of large land estates had crushed the long-lasting political and social dominance of the Baltic Germans. To a lesser extent, this also counts for Russians, the former dominant nation in the Russian Empire. Swedish settlements can be also traced back to the Middle Ages. Thus, these three core minorities were present in the lists naming minorities, and only these three gained a special national minister in the government from the end of 1918 until the spring of 1919. Also, the Germans occasionally adhered to this list of three core minorities when discussing the question of whether the state should continue with the very institution of national ministers. At one of the Constitution Committee meetings of the Constituent Assembly in 1919 they argued: "Apart from the Swedes, the Russians, and the Germans, there are no other nationalities of historical importance in our land."[891]

The appearance, occasional disappearance, and re-emergence of Jews in these lists are worth a closer look since they were one of the two minorities which actually established autonomy. One reason was the internationality of the question of Estonian statehood and minorities. The Independence Manifesto was largely aimed at an international audience and to create a fact impossible to ignore at the negotiating tables where the postwar order was discussed.[892] In this context, the Jews were the minority par excellence. Furthermore, activism for Jewish rights in Eastern Europe and the international arena had strengthened by that time.[893] Furthermore, as seen in chapter five, at the same time, Jews in Estonia participated in the broader project of convening the All-Russian Jewish Congress to secure Jewish rights, showing the question's importance.

In this context, the central demand of the Estonian Jews was to be recognised as a minority. In several letters sent to the Constituent Assembly, they proposed that they should be

[890] Piip, *Tormine aasta*, 96–98; "Asutawa Kogu poolt 4. juunil 1919. a. wastuwõetud Eesti wabariigi walitsemise ajutine kord," *Riigi Teataja*, no. 44 (July 9, 1919): 345–47.
[891] Ajutise põhiseaduse arutelu protokoll, 12.04.1919, ERA.4920.1.12, pp. 16-17.
[892] Kalmo, "Enesemääramise saatuslik tund," 192, 224, 232–33.
[893] Janowski, *The Jews And Minority Rights*, 211–51; Fink, *Defending the Rights of Others*, 86–100.

explicitly mentioned in the constitution among other nationalities. The Jews mentioned in late 1919 that at least 10,000 Jews were residing in Estonia.[894] This appears to be a deliberate overstatement to achieve recognition as it greatly exceeded the numbers that the Jews of Estonia had operated with when organising the elections to the All-Russian Jewish Congress, as analysed in chapter five. In a joint memorandum to the government and Constituent Assembly in June 1920, minorities either proposed to omit the list of minorities from the constitution entirely, or to include the Jews as well, making it possible for them and other minorities to have autonomy.[895] In the final constitution, the promise of autonomy was not limited to specific minorities. The constitution did mention the three core minorities, the Germans, Swedes, and Russians (§23), but only in the context of guaranteeing them the right to turn to the state institutions in their native language. This list in this specific context was largely defined due to practical reasons—it would have been too complicated for the state to employ specialists proficient in languages other than those broadly known (German, Russian, and Swedish).[896] Furthermore, §23 guaranteed the right to use a minority language as the inner working language in those municipalities where the minority was in the majority. Besides these three nationalities, there were no others who would have formed a majority in any municipality.

Politicians also discussed a threshold number to set up autonomy. From the perspective of the state, for some politicians it was important to avoid the issue that some very small groups would have had the right to such a public law institution. In the parliamentary committee meetings in May and December 1924, some argued for a relatively high threshold (for instance, a minimum of 5,000 citizens) for the reason that not every small group should have autonomy. In the committee meetings, the initial threshold of 4,000 was deliberately lowered to 3,000 make it also possible for the Jews of Estonia to qualify for autonomy. They argued that there should be no reason to deny Jews autonomy in case they would like to establish it. Thus, in the final version of the law (§8) the threshold number of 3,000 was agreed upon, based on the number of Jewish citizens so that they would also qualify for autonomy. The final version of the paragraph of the Law on Cultural Self-Government listing eligible minorities listed the three core minorities and gave the possibility to all other minorities of at least 3,000 citizens.[897]

[894] Juudi Rahwusline Komitee Eestis Asutawa Kogu Põhiseaduse Kommissionile, 21.12.1919, ERA.15.2.1020, pp. 54; Põhiseaduse komisjonile saadetud parandused, ERA.15.2.374, p. 135.
[895] Eesti Wabariigi Walitsusele, 08.06.1920, ERA.31.1.799, pp. 2-3.
[896] Põhiseaduse komisjoni protokoll nr 67, 16.03.1920, ERA.15.2.374, p. 133.
[897] Riigikogu üldkomisjoni protokollid, nr 40, 08.05.1924, nr 93, 10.12.1924, ERA.80.2.411, pp. 54-55, 220-221; Alenius, "Birth of Cultural Autonomy," 457.

5. How was membership determined?

The previous section analysed how politicians defined which groups would have the right to self-government. Closely connected with this was the question of how to determine which individuals belonged to these groups when practicing self-government. More specifically, this group autonomy model required some form of register or cadaster (*Grundbuch der Minorität*[898]) which would define which individuals could benefit from the rights that membership would offer, such as being able to cast their vote for self-government elections and send their children to self-government schools. This would also define who would have to fulfill their duties to the self-government, such as paying their taxes. Many questions about the register were connected with the constitutionally-guaranteed right that the individual was free to determine his or her ethnic belonging (§20).

In the campaign for autonomy, Baltic Germans advocated a system based upon a cadastre. This was a conscious decision grounded in the theoretical discussions of the era. The German legal scholar Otto Opet had rejected a cadastre-based minority protection system, arguing that the fear of being boycotted could prevent economically weaker minorities from declaring their national belonging. A cadastre system could, Opet believed, ultimately open the doors for denationalisation and feed the conflict between nationalities.[899] Another legal scholar, Leo Epstein, similarly argued that, because of threats or possible attacks due to ethnic belonging, many might decide against registering. In 1922, August Spindler, one of the main public campaigners for autonomy in Estonia, rejected this criticism and wrote that, in implementing this kind of model, a cadastre would be essential to help to determine voting rights, taxation, and participation in the activities of autonomy.[900] August Spindler (1867-1941) spent several years studying theology at the University of Dorpat but switched to medicine, and conducted his studies in Dorpat and at German universities. During the interwar years, he was a practicing medical doctor, but at the same time Spindler was very active in the Baltic German Party of Estonia and the campaign for autonomy.

Possibilities for determining membership in a group can theoretically vary from some official categorisation by state authorities to some form of individual decision. In the campaign for autonomy, Baltic Germans preferred a compulsory registration (they used the term *Zwangskataster*). Analysing the system in 1931, Hasselblatt put forward the analogy between municipal governments: one is free of duties to a territorial municipal government only when one leaves the

[898] Baltic German Party meeting, 21.07.1923, ERA.1000.1.148, unpaginated.
[899] Otto Opet, *Der Schutz der nationalen Minderheiten* (Berlin, 1919), 19.
[900] August Spindler, *Vähemusrahvuste kultuuriline autonoomia: herradele Riigikogu liikmetele pühendatud* (Tallinn: Eestimaa Trükikoja A.S. trükk, 1922), 20–22, 35; see also A. D., "Der Schutz der nationalen Minderheiten," *Revaler Bote*, August 3, 1921.

municipality. According to the same principle, one should be released from one's duties to the autonomy only if one changes ethnic belonging.[901] According to the compulsory registration principle, every citizen marked German on the personal identification documents would be automatically registered in the national cadastre. This compulsory registration would have meant that an individual would not have been able to simply deregister without first changing their ethnic belonging in personal documents. Arguments for such a model were largely pragmatic. Sceptical of the new institution, individuals might not register at all. In order to get broader masses to register, one should conduct propaganda which would, in turn, trigger harsh anti-propaganda, in the end dividing the minority. Furthermore, advocates feared that it would be unlikely that one of the spouses in a mixed marriage would register. Civil servants might avoid declaring their nationality via registration due to fear of discrimination. Many might not register in order to avoid taxes. Another practical reason why Germans advocated this was that it would encompass the entirety of the minority. If a significant share of the minority citizens did not register, it would be more complicated for the state to supervise both the autonomy institutions and separate associations of non-registered individuals.[902] Another argument was that such a system would help to guarantee a certain stability and make it easier to predict the number of taxpayers and schoolchildren.[903]

In addition to pragmatic arguments, the Baltic German advocates also used essentialist arguments. August Spindler, for instance, argued that automatic belonging and contributing to the national community by being a member and paying taxes should be self-evident. Such self-evident membership would also exclude the possibility that people do not register if they do not have children. He argued that these individuals benefitted from German schools and culture, making them morally responsible for registering and contributing.[904] Although strong proponents of automatic inclusion like Hasselblatt preferred that deregistering would be tied to national belonging as well, in the parliamentary debates and party and parliamentary committee meetings, they discussed alternatives such as automatic registration, making deregistration easier.

It was not only the German minority which advocated compulsory registration. In the early phase, when the Jewish minority liaised with the Baltic German Party in March 1921 before the

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[901] Werner Hasselblatt, "Hat sich die Kuturautonomie in Estland bewährt," *Nation und Staat*, no. H 7 (1931): 447–48; Werner Hasselblatt, "Saksa vähemusrahvuse kultuuromavalitsus," *Eesti Politsei* 4 (1931): 259; Triin Tark, *Rahvuskuuluvuse tähendus riigi ja üksikisiku perspektiivist Eestist Saksamaale 1941. aastal ümberasunute elulooliste andmete põhjal*, Dissertationes historiae Universitatis Tartuensis 53 (Tartu: Tartu Ülikooli Kirjastus, 2021), 99. The German delegates discussed different options, including a system where everyone would be automatically members but leaving autonomy would be easier.

[902] Mikspärast ei saa wähemusrahwuste rahwusnimekirjad..., ERA.85.1.56, p. 31; *I Riigikogu protokollid. IX istungjärk: protokollid nr. 185-221*, cols. 2014–2015.

[903] Hasselblatt, Buchmanuskript "Über die Kulturautonomie", ERA.85.1.60, pp. 75-76.

[904] August Spindler, *An die Gegner der Kulturautonomie der völkischen Minderheiten in Estland* (Reval, 1924), 12–13.

minority delegates in the parliament handed in the first autonomy law draft, they also supported a registry based on similar principles, yet were more flexible about deregistering. The Jewish minority argued that the registry should automatically include all citizens of the respective minority nationality, but that deregistering would be possible based on individual application. The justification for this was also pragmatic: the masses were passive, and most members of the minority might not register.[905]

The Estonian delegates in the parliament were strictly against compulsory registration. In March 1923, Jaan Tõnisson referred to the constitutionally guaranteed individual freedom in determining ethnic belonging, arguing that compulsory registration would deprive minorities of it.[906] Social Democrats also rejected it and referred to talks with some poorer Baltic Germans who were allegedly afraid that the autonomy and schools would be controlled by the nobility. According to the class argument, poor Germans would be forced to send their children to these schools, which would not be suitable for the proletariat or intelligentsia.[907]

Ultimately, it was agreed that the registering would be entirely free, and one could opt out without changing ethnic belonging or giving any excuses (Hasselblatt called it "*labiler Kataster*"). The final version was affected by the parliamentary debates and calls for compulsory registration. A compulsory register was rejected, but some elements were included. Namely, not too much differing from what Jews had proposed, the initial register compiled to organise the elections to the first Cultural Council was based on the principle of tacit inclusion. All citizens of the respective nationalities were automatically included, but one could deregister without the need to change ethnic belonging in personal documents. This first register also functioned as the core for the national register in later years.

6. Specifics of the model

When the politicians discussed the autonomy law, numerous specific issues of non-territorial autonomy were raised. These included the public law nature of the institution, taxation rights, and the powers. The following part will analyse these themes.

A public law institution with the right to levy taxes was one of the core elements the Germans and Jews demanded in their proposals and law drafts starting from 1920.[908] This, they argued, would give the necessary tools and a state mandate to administer their national-cultural

[905] An die Deutschbaltische Partei in Estland, 22.03.1921, ERA.2297.1.5, unpaginated.
[906] *I Riigikogu protokollid. IX istungjärk: protokollid nr. 185-221*, col. 2045.
[907] *I Riigikogu protokollid. IX istungjärk: protokollid nr. 185-221*, cols. 2063–2064.
[908] Juudi Rahvusline Komitee Põhiseaduse komisjonile, 04.05.1920, ERA.15.2.1020, pp. 171-173.

affairs both in terms of funding but also in implementing their policies. They argued that proper cultural work was only possible on a solid financial basis but in the case of a private law association, it would be impossible to guarantee enough funds from the members. Ultimately, it would make the institution highly dependent on state funds and thus erode the idea of autonomy, making it merely words on paper.[909]

In these discussions over the constitution in spring 1919, some Estonian politicians rejected the core demand of minorities and proposed that, alternatively, the very question of minority cultural affairs could be administered via regular voluntary associations under private law and thus avoid creating a "state within the state."[910] Some politicians like Päts rejected such calls for a private association solution. He argued that taking care of cultural affairs and organising education and welfare institutions were essentially duties of the state before its citizens. By carrying these out, minorities would be carry out public functions. This is why Päts endorsed a public law institution with taxation rights.[911]

At the same time, in the discussions over the constitution in spring 1919, taxation rights were used as to juxtapose democratic Estonia and autocratic Tsarist Russia. Russia was a negative example for Estonian politicians, with which the new nation-state had to make a positive contrast. The Russian delegate in the Constituent Assembly, Aleksei Sorokin, rejected the idea that taxation rights could mean creating a state within a state (*gosudarstvo v gosudarstve*). He presented the example of Jewish communities in Russia: they had had their taxation rights, yet they had still been only an unprivileged minority.[912] In their letters to the Constituent Assembly from May 1920, representatives of the Jewish minority put forward a similar argument. They argued that already during the Tsarist era, there was a right to maintain religious, educational, and welfare organisations and fund them via specific taxes (for example, donations, payments for candles, etc.). They stressed that depriving the Jewish minority of this right to preserve their educational and cultural institutions with compulsory taxation would make them worse off in the Republic of Estonia than they had been in Tsarist Russia.[913]

Ultimately, the taxation question of minority self-governments was left out of the constitution due to the strong opposition by many parties.[914] Also, it was a relatively specific clause, whereas the aim was to have a "thin" constitution. Nevertheless, after the discussions in the

[909] Eesti Wabariigi Walitsusele [1920], ERA.1000.1.20, pp. 14-17; *Asutawa Kogu IV istungjärk: protokollid nr. 120-154*, cols. 616, 798–799.
[910] *Asutawa Kogu IV istungjärk: protokollid nr. 120-154*, col. 540.
[911] *Asutawa Kogu IV istungjärk: protokollid nr. 120-154*, col. 609.
[912] *Asutawa Kogu IV istungjärk: protokollid nr. 120-154*, cols. 620–623.
[913] Juudi Rahvusline Komitee Põhiseaduse komisjonile, 04.05.1920, ERA.15.2.1020, pp. 171-173. The document indeed describes such payments as taxes although in strict sense these are not taxes.
[914] Vasara, "Das estnische Parlament," 483.

parliament, the final version of the law included taxation rights in the powers of minority self-governments.

The argument that non-territorial autonomy would create a "state within the state" was put forward in different contexts and in Estonian parliamentary debates. Critics believed that such a model would create a complicated parallel structure reminding one of a state and thus blur and complicate the Estonian state's actual division of powers. Furthermore, some opponents argued that, with this right, the minority group would be a state-like entity with special privileges within the state. More specifically, elements such as taxation rights, a parliament-like elected body and a president-like chairperson triggered such fears.[915] In some cases, this argument was connected with the fear that non-territorial autonomy could be only a first step towards more substantial demands, such as secession. This latter argument was not necessarily present in Estonian parliamentary debates but sceptics of the model in other countries, as the final chapter of this study analyses, put it forward.

For many Estonian opponents of non-territorial autonomy, the deeper fear was that it would undermine the state's authority and power and take away its sovereignty. Obstructing the passage of the law in March 1923, Jaan Tõnisson argued that self-governments would essentially be part of the state apparatus and also perform the tasks of the state. He asked: "If now an extraterritorial minority self-government gets a right to force citizens under its rule, what does it mean? Does it not mean that the sovereignty of the Estonian state would be largely given to the hands of this minority self-government!"[916] This was connected with the fear of altering the nature of the state meaning that the state would not be a pure nation-state, but also minorities as groups would be the carriers of state sovereignty.[917]

Some, by contrast, saw the self-government model as an opportunity to conceptualise and structure the Estonian state more broadly. In spring 1923, discussing the constitutional autonomy provisions, Otto Strandman from the Labour Party, drawing on the works of Otto Bauer, argued that this model was initially proposed for the entire Austrian state where the entire population would have been divided into extraterritorial autonomies administering respective national cultures. Strandman proposed that when implementing this model in Estonia, it should also be considered that Estonians would have a similar autonomy body. In essence, Strandman proposed that Estonia should not be a pure nation-state. Instead, it would be a state without a distinct national colour: "the state should give up discussing national-cultural affairs, it should give these

[915] A J, "Meie sakslased oma kultuurautonoomia seadusest," *Postimees*, May 6, 1924; *Asutawa Kogu IV istungjärk: protokollid nr. 120-154*, col. 601; Põhiseaduse komisjonile saadetud parandused, ERA.15.2.374, p. 135; Põhiseaduse komisjoni protokoll nr 68, 18.03.1920, ERA.15.2.374, p. 140.
[916] *I Riigikogu protokollid. IX istungjärk: protokollid nr. 185-221*, col. 2046.
[917] *I Riigikogu protokollid. IX istungjärk: protokollid nr. 185-221*, col. 2463.

over to the respective national bodies."[918] This proposal echoes a later proposal by a Latvian German politician Paul Schiemann who put forward the idea of an "anational state." Schiemann elaborated that just as modern states were secular and not tied to a certain confession, their anational nature could similarly help to secure the freedom to engage in one's own culture.[919] Strandman's proposal, however, was rejected. Nevertheless, the final version of the law included a paragraph (§31) which gave the Estonians who lived in a municipality where they formed a minority the right to set up a similar self-government institution. Although Strandman's proposal was rejected, it has some interesting parallels with Eugen Maddison's later interpretation that with its minority-friendly provisions, Estonia was actually a nationalities' state. We will return to this line of thought in the conclusion of this chapter.

In the parliamentary debates, the arguable innovativeness of extraterritorial autonomy and the self-image of the new Estonian nation-state as a democratic and liberal country worked as an argument for and against autonomy. Many sceptics of non-territorial autonomy rejected it with the argument that although there was already a fully developed Austrian Social Democratic theory of extraterritorial autonomy, it had never been fully implemented and its rash introduction could potentially mean a legal experiment that could destabilise the new state-in-the-making.[920] Some Social Democrats were in principle not opposed to extraterritorial autonomy and argued that Estonia would be the first one to put such provisions into practice and would thus, with its innovative and liberal legislation, far exceed other democratic states such as USA and Canada. However, they also called for caution and advised against the hasty introduction of the law.[921] Some rejected it because even the most important advocates of non-territorial autonomy in Russia, the Jews, had not managed to implement it there, although one might ask whether as a small group they had any power to actually introduce it.[922]

Some politicians tried to counter such arguments saying that non-territorial institutions were not entirely unknown. For instance, in March 1923, Päts brought up the example of universities, which had autonomy, but their work area was not limited to a specific territory. Another example he brought up was the Armenian church which functioned as a non-territorial autonomy body taking care of printing and education and functioned as a national centre across

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[918] *Asutawa Kogu IV istungjärk: protokollid nr. 120-154*, cols. 623–624.
[919] Hiden, *Defender of Minorities*, 133; John Hiden, "Propagating the Anational State - Paul Schiemann's Concept of Minority Rights," in *Simon-Dubnow-Institute Yearbook*, vol. IV (Vandenhoeck & Ruprecht, 2005), 98–109.
[920] *Asutawa Kogu IV istungjärk: protokollid nr. 120-154*, cols. 539–540.
[921] Smith and Hiden, *Ethnic Diversity*, 35; *I Riigikogu protokollid. IX istungjärk: protokollid nr. 185-221*, cols. 2053–2056.
[922] *I Riigikogu protokollid. IX istungjärk: protokollid nr. 185-221*, col. 2044.

borders.[923] He further elaborated that the minorities law was not purely extraterritorial: it proposed a territorial minority protection mechanism, but the territory was the entire state.[924]

Politicians who claimed that this model had never been implemented were not fully correct: there had been experiments. As mentioned previously, there were cases like the compromises in Moravia and Bukovina, the national-personal autonomy law in the Ukrainian People's Republic, Jewish autonomy in Lithuania, and schooling autonomy in Latvia. However, these were either experiments with some elements of non-territoriality, these bodies had limited powers designed for a specific group, or there was very little experience in actually implementing the model. Thus, there was indeed little experience of practicing a substantial form of non-territorial cultural autonomy based on which the lawmakers could design a fully functioning system for Estonia.

Amid these concerns, several detailed and technical questions were raised that were nearly impossible to answer due to very little implementation experience. Politicians listed, for instance, the question of how schools would be divided between minority, local self-governments, and the state, and how to divide costs between these bodies. Furthermore, since the model would create parallel self-governments—local and minority self-governments—politicians asked what the relationship between these would be. If membership was voluntary, it would create an additional group of minority citizens: those who have not registered with a minority self-government. At the same time, the state would still need to cater to the constitutionally guaranteed rights of these citizens, such as the right for education in one's native language.[925]

While for many the innovativeness of the model was an argument to reject it, for others, it was an argument to implement it and make Estonia a modern state. For instance, some Social Democrats put forward this argument.[926] Minorities also played this card, knowing that some leading Estonian politicians considered the innovative and democratic nature of the new Estonia important. Baltic Germans argued that the model of cultural autonomy was recognised by modern theorists and was practiced in other states.[927] Hasselblatt stressed the importance of passing the law for minorities more broadly in Europe. In his view, Estonia would have been the first state to have found a constitutional solution to the minorities' question.[928]

The discussions also included the question of the breadth of powers of minority institutions. One topic was that minority self-governments should also have power over church

[923] *I Riigikogu protokollid. IX istungjärk: protokollid nr. 185-221*, cols. 2456–2457, 2565.
[924] *I Riigikogu protokollid. IX istungjärk: protokollid nr. 185-221*, col. 2457.
[925] *I Riigikogu protokollid. IX istungjärk: protokollid nr. 185-221*, cols. 2055–2058.
[926] *I Riigikogu protokollid. IX istungjärk: protokollid nr. 185-221*, col. 2062.
[927] *Asutawa Kogu IV istungjärk: protokollid nr. 120-154*, col. 599.
[928] *II Riigikogu: Iv istungjärk: protokollid nr. 98-114*, col. 954.

affairs. This demand was put forward by the Germans (and also Jews), who aimed to keep church and national affairs closely together. Already in the Constituent Assembly, however, this idea was rejected. Essentially, autonomies had to be bodies of public law, part of the state apparatus. At the same time, strongly influenced by leftist ideas, the Republic of Estonia was designed as a secular state. The church and the state were separated, and confessional affairs were left to be regulated via private law. This meant that religion was a purely private issue and the church was a private law association. Because of this logic, church affairs were not included in the powers of autonomies, although the Germans were strongly in favour of including church affairs as well.[929]

Advocates of minority autonomy also proposed that social welfare affairs and the guardianship of orphans should be in the hands of minority autonomies. In interwar Estonia, the former Tsarist system of specialised orphan courts (*vaeslastekohtud*, *sirotkie sudy*) was preserved. German advocates of cultural autonomy proposed that these should be separated nationally and included in the affairs of minority self-governments.[930] Ultimately, the social welfare affairs were left an open question: it was included among the powers of autonomies but was to be regulated later with an additional law.[931]

Many topics that arose were caused by fears of the Estonian majority politicians that minority autonomy would mean creating special bodies for minorities which would have their own political agency separate from the state. For many theoreticians of non-territorial autonomy, the goal was to separate nation or national-cultural affairs along the same line that in a secular state religious affairs were separate from the state and left for the respective religious community. As a result, all nationalities would discuss their common affairs, such as social policy or foreign affairs in the state parliament, and each nationality could deal with their specific national-cultural affairs separately within their autonomy institution. Along similar lines, when the Germans reached an agreement with Tõnisson, they agreed that cultural and political affairs should be strictly separated. More specifically, it meant that the funds and the powers of self-government were not meant to be used to deal with political affairs which were left for political parties in the state parliament.[932] While at first glance such a division may seem clear, a closer look shows that such a separation is not so clear-cut. The next chapter on Jewish self-government shows that, in practice, this clause was not always strictly followed.

[929] Asutava Kogu põhiseaduse komisjoni koosoleku protokoll nr 51, 20.12.1919, ERA.1000.1.19, unpaginated.
[930] Asutava Kogu põhiseaduse komisjoni koosoleku protokoll nr 51, 20.12.1919, ERA.1000.1.19, unpaginated.
[931] Smith and Hiden, *Ethnic Diversity*, 40; Housden, *On Their Own Behalf*, 96–97.
[932] Baltic German Party meeting, 21.07.1923, ERA.1000.1.148., unpaginated; H. Ammende's letter, undated, 85.1.51, unpaginated; Hasselblatt, "Hat sich die Kuturautonomie in Estland bewährt," 443–44.

The final version of the law passed in 1925 was ultimately designed as a framework law because many technical questions were impossible to foresee before the actual experience of implementation.[933] It meant that it would be amended after some period of practice.

7. The Estonian minority rights regime at an intersection in the circulation of knowledge

> It has to be said that we did not, and we could not discover America in our constitution. Inevitably, we had to rely on what people have implemented so far. We had to take our constitution from other nations. We had to search, rework what was needed according to our conditions, reject what was unsuitable, and set it in harmony with the ideas that political science and societal development have recently brought to light in order to prepare a complex of laws for our people and our land.[934]

This is how, in late May 1920, Ado Anderkopp (1894-1941), an Estonian politician of the Labour Party, explained the process of drafting the constitution in the Constituent Assembly. While Anderkopp described the constitution-making process here, this description is also valid for the process of drafting the minority protection provisions in the constitution and the Law on Cultural Self-Government in particular. Indeed, the Estonian constitution was drawn on several models, the most influential being the Weimar Constitution, which was a protype for many other parts of Europe in the era.[935] In both processes, not only the theories of Bauer and Renner, but also several other laws and projects of a more practical nature played a role, thus meaning that the very process of drafting a minority protection regime for Estonia took place amid a complex intersection of circulating ideas.

Recent studies in the history of knowledge are increasingly interested in the circulation of knowledge. These studies are not only interested in pure abstract intellectual genealogies, but even more in the mediums via which knowledge spread, which is to say the very materiality of circulation.[936] Linking the circulation of knowledge, Anderkopp's quote above, and the Estonian minority protection system, this section traces the numerous theories and proposals that circulated in the form of books and pamphlets, articles and copied texts, in the speeches in the plenary sessions and committees amid drafting these legal documents. The ultimate result of constitutional

[933] See the explanatory note: Laurits, *Saksa Kultuuromavalitsus*, 273.
[934] *Asutawa Kogu IV istungjärk: protokollid nr. 120-154*, col. 536.
[935] Dietmar Müller, "Statehood in Central, Eastern and Southeastern Europe. The Interwar Period," in *The Routledge History Handbook of Central and Eastern Europe in the Twentieth Century: Volume 2: Statehood*, ed. Włodzimierz Borodziej, Sabina Ferhadbegović, and Joachim von Puttkamer (London-New York: Routledge, 2020), 156–57.
[936] Sarasin and Kilcher, "Editorial"; Östling et al., "The History of Knowledge and the Circulation of Knowledge: An Introduction."

provisions promising cultural autonomy for minorities and the law elaborating on these provisions were essentially a combination of several crucial sources. These included the Baltic political and intellectual tradition of corporations of nobility and their self-government, Austro-Marxist thought proposing autonomy based on the personality principle, projects drafted by Rudolf Laun and Moritz Sobernheim, and the Ukrainian law on national-personal autonomy. Some of these elements are mentioned in the literature, but without closer analysis.[937] The outcome, however, was an original law for the specific Estonian context. In this, local administrative practices and the need for a political compromise between different parties played a crucial role.

The conservative-corporative dimension, or more specifically a connection with this tradition in projects and activists, was important in the early phase of fighting for autonomy in the Constituent Assembly when the first autonomy law drafts were put forward. When the new constitution was in the making between 1919 and 1920, conservative Baltic Germans put forward their constitutional draft, which, compared with the previous projects proposing some form of United Baltic Duchy, moved much closer to the idea of a democratic Estonian nation-state yet still had several estatist elements. This project's proposed parliamentary body (*Landestag*) consisted of two chambers (*Landbotenhaus* and *Volkshaus*) and had more restrictive membership election criteria. This meant that some delegates were elected by manor owners, industrialists, and intellectuals, or by specific chambers and organisations. The constitutional draft also declared the right to cultural autonomy (§31). Under this, the authors meant the right to use and preserve one's national language in schools, administration, and courts. It also included the right that national traditions, language, and legal practices would be considered in administrative bodies and courts.[938]

An even clearer connection with earlier projects comes from the author of probably the first non-territorial autonomy law draft in Estonia, Eduard von Bodisco. Chapter five analysed his project for a United Baltic Duchy, which was to be organised non-territorially. In the autumn of 1920, Bodisco presided over a committee of the Baltic German Party, which drafted one of the earliest law projects for autonomy, trying to put §21 of the freshly passed constitution into practice.[939] This connection, however, was limited to the main author and the impetus can be traced back to corporatist projects, as the draft itself was already based on democratic and liberal principles. The draft was designed only for Baltic Germans and included all the later arrangement's central elements. It proposed creating a body of public law with powers in cultural and educational (but also social welfare) affairs. The project also proposed creating an elected council (*Estländische Baltenversammlung*), an executive arm (*Ausschuss*), and a national register (*Kataster*). Regarding the

[937] Housden, *On Their Own Behalf*, 74–75.
[938] Projekt einer Verfassung für die Republik Estlands [1919-1920], ERA.1108.8.104, unpaginated.
[939] Laurits, *Saksa Kultuuromavalitsus*, 48.

national list, in comparison with later drafts, it did not demand any compulsory registration. The body was to receive finances proportionally from the state and municipality budgets and taxation from its members.[940] In 1921, Bodisco wrote another law draft, this time for all minorities of Estonia.[941] Bodisco also played an instrumental role in launching the work of the German Cultural Self-Government, being a member of the first German Cultural Council until his emigration to Germany in 1927.[942] Also, other activists fighting for autonomy saw the final law as a continuation of the earlier role of Baltic Germans.[943] Several years after passing the law, Werner Hasselblatt, already in a *völkisch* spirit, connected the earlier corporate self-government and interwar cultural self-government models. Hasselblatt argued that the latter was a natural derivate of the former: "The duality [*Zweiklang*] of the awareness of ancestry [*Stammesbewusstsein*] and ties to the homeland [*Heimatgebundenheit*] gives rise, among other things, to the natural claim to be the bearer of a national-cultural right and to exercise this right within the framework of self-government."[944]

On a more theoretical level, there was a close affinity with the Estonian minorities law and the Austro-Marxist theories. The Estonian law included all the main elements that Renner and Bauer had put forward, particularly the aim to turn nations into bodies of public law based on the personality principle, which decide on national cultural affairs and can impose taxes on the members. Membership was fixed in a register and inclusion based on the individual declaration. There were also some important differences. For instance, in some of his works Renner had proposed categorising the entire population ethnically and including them in the respective national registers. In Estonia, however, the model was applied within the nation-state and was designed foremost for the minorities within it. Furthermore, Renner had proposed a system where minority autonomies would have been more strongly integrated into the central state government. More specifically, in 1902, Renner envisioned the post of national state secretaries (*nationaler Staatssekretär*), elected by the respective autonomies, to be incorporated into the work of the state government.[945] In the early years of Estonian statehood, even before cultural autonomy was introduced, politicians experimented with the institution of national ministers and later national secretaries. When the provisional constitution was drafted in the spring of 1919, Hans Pöhl,

[940] Bodisco to Spindler, 22.12.1920, ERA.1108.8.104, unpaginated and Entwurf. Gesetz betr. die autonome Deutsch-Baltische Minderheitsgemeinschaft in der Republik Estland, ERA.1108.8.104, unpaginated.
[941] Laurits, *Saksa Kultuuromavalitsus*, 49.
[942] Laurits, 37, 312, 319–24.
[943] See how Michael Garleff connects autonomy with earlier traditions: Michael Garleff, "Zwischen Loyalität und Verweigerung. Zur Autonomie der Deutschbalten in Estland und Lettland," in *Aufbruch und Krise: das östliche Europa und die Deutschen nach dem Ersten Weltkrieg*, ed. Beate Störtkuhl, Tobias Weger, and Jens Stüben (München: Oldenbourg, 2010), 291–92; Garleff, "Nationalitätenpolitik zwischen liberalem und völkischem Anspruch," 113–16.
[944] "*Aus dem Zweiklang des Stammesbewusstseins und der Heimatgebundenheit ergibt sich u.a. der natürliche Anspruch darauf, Träger eines national-kulturellen Eigenrechtes zu sein und dieses im Rahmen einer Selbstverwaltung auszuüben.*" Hasselblatt: Buchmanuskript "Über die Kulturautonomie, " ERA.85.1.60, p. 93.
[945] Springer [Karl Renner], *Der Kampf*, 201–5, 238–40.

representing the Swedes, proposed a model where a national minister heading the autonomy should represent the minority in the state government, possibly drawing on Renner's ideas.[946] It should be added that Swedes, foremost a territorial minority, preferred territorial cultural autonomy.[947] However, during the parliamentary discussions, a less centralised model was agreed upon where minorities did not have direct representation on such a level, nor was this principle directly included in the early law drafts.

Not only was there an affinity with the theories of Renner and Bauer, but in the discussions, there were direct references and framing of these provisions in Austro-Marxist theory by the minority and majority actors. Bauer, Renner, and their ideas worked both as a theoretical basis for the autonomy arrangement and as an argument used in the campaign for autonomy. In the explanatory note to a joint law draft on the minority schooling act from 1921, handed in by German, Swedish, and Russian delegates, they referred to Karl Renner's 1918 work *Das Selbstbestimmungsrecht der Nationen*, arguing that in order to avoid conflicts, national autonomies, unions of persons, have to be established with their taxation right and powers over educational affairs.[948] Through this, the authors both placed their project in this theoretical framework and justified it with Renner, the intellectual authority on the question of minority rights according to the authors of the draft. August Spindler offered a more extensive framing of the German autonomy campaign in the theory of Renner. Again, referring to Renner's 1918 book, he gave an overall summary of the work's main arguments, stressing the need to constitute nations as personal unions of public law as opposed to territorial bodies. Spindler concluded his overview of Renner by emphasising that, in his pioneering work, Renner had proposed it for Austria, where nationalities were roughly of equal size. However, in a different nation-state context where minorities constituted a far smaller share, their demands should also be more moderate, thus clearly stating the need for working out a model for the specific Estonian context.[949]

Similarly, as already previous parts of this chapter have shown, several Estonian MPs saw Karl Renner and Otto Bauer as the forefathers of this model. More actively, the Social Democratic delegates referred to Renner and Bauer and were happy to stress that theoreticians from their ideological camp had devised such a model. In 1923, Karl Ast from this party argued that "our draft, which has been here presented as an extraterritorial autonomy law, is directly derived from the Austrian social democrats. It has all the features you may find in the respective works of Springer and Bauer."[950]

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946 ERA.1000.1.14, p. 13; Rootsi rahvuskongressi otsus 22.03.1919, ERA.15.2.369, p. 17.
947 Kuldkepp, "Estonian Swedish National Minority."
948 M. Bocki, G. Stackelbergi, H. Kochi, V. Pezoldi ja H. Pöhli eelnõu, 30.04.1921, ERA.80.1.961.
949 Spindler, *Vähemusrahvuste kultuuriline autonoomia*, 12–15; see also; Smith and Hiden, *Ethnic Diversity*, 37.
950 *I Riigikogu protokollid. IX istungjärk: protokollid nr. 185-221*, col. 2062; Smith and Hiden, *Ethnic Diversity*, 35.

The theoretical framework also raised the question whether Renner's theory was implementable in another context than Austria. In March 1923, the Social Democrat August Rei argued that Karl Renner had proposed this theory to offer a solution to the complicated national question in Austria: "Renner's proposal was not intended to be some kind of universal remedy, a universal recipe for solving the national situations of all countries. Anyone who reads Renner's book knows quite well that this idea is a pure Austrian product."[951]

It is indeed true that Renner's project was extremely technical and closely linked with the specifics of the Habsburg administrative system. However, the discussions in Estonia in the late tsarist period and the law-making was a process of detaching this model from the particularities of the Habsburg context and applying it in a new setting. Hence, it was a process of universalising this specific concept which continued even more importantly on the international arena by the minority activists who propagated the Estonian law's broader application.[952] This will be further elaborated in the final chapter of this study.

National tensions in Austria, particularly in Bohemia, often served as a cautionary tale of conflict between nationalities. The rhetorical power of this example also continued during the interwar years. In March 1923, Päts defended passing the self-government law in the parliamentary debates with this example. He argued that if the law was not passed, constitutional guarantees would be just declarations without any actual practical meaning. This, he argued, would be similar to the Austrian system, where the constitution gave generous guarantees but no practical implementation guidance in the form of a special law, and thus unleashed a harsh nationalities conflict.[953]

The conceptualisation and framing of the Estonian minority rights provisions in the Austro-Marxist theory were more present in the earlier phase of political and parliamentary debates, particularly when broader conceptual issues were discussed. Later, as the actors were more closely focused on technical and administrative issues, these references became scarcer or disappeared. This demonstrates the process of adopting the non-territorial autonomy model for the specific context. In this process, the proposed intellectual roots become less important than practical implementation questions. Nevertheless, after passing the respective law and writing about it, contemporary actors framed it as an example of Renner's theory materialised.[954]

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951 *I Riigikogu protokollid. IX istungjärk: protokollid nr. 185-221*, col. 2418.
952 C.f. Christopher L. Hill, "Conceptual Universalization in the Transnational Nineteenth Century," in *Global Intellectual History*, ed. Samuel Moyn and Andrew Sartori (New York: Columbia University Press, 2016), 134–58; Nygård and Strang, "Conceptual Universalization."
953 *I Riigikogu protokollid. IX istungjärk: protokollid nr. 185-221*, col. 2458.
954 Hasselblatt: Buchmanuskript "Über die Kulturautonomie," ERA.85.1.60, pp. 67-68.

The actors in the parliament were not only familiar with the theoretical works of Renner and Bauer but also with various other actors whom they considered advocates of these ideas. Several Estonian parliamentarians argued that, in Russia, it was foremost the Jews who adopted Renner's ideas and started propagating them.[955] The same counts for Estonian activism for non-territorial autonomy in revolutionary Russia. In his pamphlet justifying autonomy, August Spindler wrote that Hans Kruus had put forward an autonomy programme where autonomous nationalities would have the same rights as Renner had proposed. Spindler stated: "The fact that [Kruus's] book was written before the Estonian declaration of independence does not change anything in principle, and what Kruus wrote back then about the Estonian nation in Russia is in our time *mutatis mutandis* valid for minorities in Estonia."[956]

Some scholars have argued that the Ukrainian law possibly influenced the Estonian law.[957] Indeed, the first modern law of non-territorial autonomy was introduced in the short-lived Ukrainian People's Republic on January 24, 1918, when the Central Rada passed the Law on National-Personal Autonomy. The law enabled minority citizens, who managed to gain 10,000 signatures, to set up a national union to administer national-cultural affairs. It included all the main elements of non-territorial autonomy arrangements: a national register, taxation rights, and the institution as a body of public law.[958]

Minority activists and politicians in Estonia were aware of this law. On December 21, 1919, the Jewish minority sent a collection of documents entitled *Die Judenfrage der Gegenwart*, compiled by Leon Chasanowitsch and Leo Motzkin, to the Constitution Committee of the Constituent Assembly.[959] Among various other projects and laws, the volume also included the Ukrainian Law on National-Personal Autonomy.[960] In February 1920, during the period when the Constituent Assembly discussed the minority protection clauses to be included in the constitution, the newspaper *Revaler Bote*, the organ of Baltic Germans, published an article on the Ukrainian law. The article described its main features and argued that it could serve as a blueprint for all multi-ethnic states.[961] Furthermore, during the sessions of the Constituent Assembly, when minority

955 *I Riigikogu protokollid. IX istungjärk: protokollid nr. 185-221*, cols. 2044, 2419.
956 Spindler, *Vähemusrahvuste kultuuriline autonoomia*, 19–20.
957 Karl Braunias, "Die Fortentwicklung des altösterreichischen Nationalitätenrechtes nach dem Kriege," *Nation und Staat*, no. 9/6 (1936): 364–67; Macartney, *National states and national minorities*, 407.
958 Liber, "Ukrainian Nationalism"; Henry Abramson, *A Prayer for the Government: Ukrainians and Jews in Revolutionary Times, 1917-1920* (Cambridge, Mass: Ukrainian Research Institute of Harvard University, 1999), 33–66; the law is printed in: Chasanowich and Motzkin, *Die Judenfrage der Gegenwart*, 135–40.
959 Juudi Rahwusline Komitee Eestis Asutawa Kogu Põhiseaduse Kommissionile, 21.12.1919, ERA.15.2.1020, p. 56.
960 Chasanowich and Motzkin, *Die Judenfrage der Gegenwart*, 138–44.
961 "Völkische Autonomie in der Ukraine," *Revaler Bote*, February 28, 1920; since the Revaler Bote discussed this law shortly after the Jews had sent the volume by Motzkin and Chasanowitsch, the Baltic Germans possibly learned or gained a new impetus by learning about this arrangement; Housden, *On Their Own Behalf*, 83–84.

rights were negotiated, the Ukrainian example was also occasionally brought up.[962] However, although the actors in the parliament were aware of this law, and thus it was part of the broader intellectual exchange, they did not necessarily rely on it in the formulation of individual paragraphs.

The literature and examples of numerous historical and contemporary legal arrangements which activists used and to which they referred show that Baltic German advocates of an autonomy law made a conscious and informed choice to campaign for non-territorial cultural autonomy. A pamphlet written by August Spindler, published in 1922 as a part of the campaign to win over MPs to the autonomy cause, shows his very good acquaintance with theories and projects of non-territorial autonomy.[963] The pamphlet was handed out to the members of parliament and sent to numerous newspapers to familiarise them with the cultural autonomy model.[964] Not only was the author well-versed in the Austro-Hungarian legal system and debates, the works of Austro-Marxists, and Estonian advocates of non-territorial autonomy, but also in contemporary discussions, projects, and the demands of minorities. Among the documents of the Baltic German Party, there are several folders of typewritten copies, excerpts, and translations of various laws and projects regarding nationalities and language affairs offering different models, such as guaranteeing language and schooling rights.[965] These include, to list only a few, a collection of Austrian laws edited by E. Bernatzik, the Austrian constitution of 1849, several language laws from Belgium, a draft of nationalities law for Bohemia from 1871, excerpts about the 1905 Moravian Compromise (the language law and the election law), a draft of minority protection clauses for the Lithuanian constitution, minority rights protection law draft from Latvia, excerpts of the Czechoslovakian constitution. Many of these law materials were sent by the *Ausschuss für Minderheitenrecht* in Berlin, thus showing how the very process of drafting the minority legislation was part of a broader circulation.[966]

In addition to the Moravian compromise, which introduced national registers, among the closest to the non-territorial autonomy model in these files is a minority protection law project from 1919 by German-Jewish Professor Moritz Sobernheim, which he prepared for the *Auswärtiges Amt* while working in its *Referat für jüdische Angelegenheiten*.[967] An Orientalist by training, Sobernheim (1872-1933) had been appointed as an expert on Jewish affairs in November 1918. In the spring

[962] *Asutawa Kogu IV istungjärk: protokollid nr. 120-154*, col. 799.
[963] Spindler, *Vähemusrahvuste kultuuriline autonoomia*; German manuscript of the book: Die kulturelle Autonomie der völkischen Minoritäten. Eine Studie von Dr. A. Spindler. Gewidmet den H.H. Abgeordneten des Riigikogu, ERA.85.1.56.
[964] Baltic German Party letter, 27.09.1922, ERA.85.1.51, unpaginated.
[965] ERA.85.1.60a; ERA.1000.1.72.
[966] See the folder: ERA.1000.1.72.
[967] Sobernheim, Vorschläge zu einem Entwurf über die Regelung der Stellung der Minderheiten im Staat, ERA.1000.1.72, pp. 90-91. Also published in: Franz Bordihn, *Das positive Recht der nationalen Minderheit: eine Sammlung der wichtigsten Gesetze und Entwürfe*, Das Selbstbestimmungsrecht der Deutschen, H.2 (Berlin: Engelmann, 1921).

of 1919, Sobernheim was among the authors of the German minority protection agenda for the Paris Peace Conference and was, until his death in 1933, one of the main persons in the ministry focusing on German-Jewish affairs.[968] In the 1919 law draft, which is among Baltic German documents, Sobernheim proposed registry-based public law autonomy bodies (*öffentlich-rechtliche Korporationen*) for minorities. The powers of these bodies had to include religious, cultural, and social welfare affairs funded by taxing the members and acquiring respective shares from state and municipality budgets. Sobernheim explicitly relied on Renner's ideas. On March 31, 1919, an expert committee met under the auspices of the *Auswärtiges Amt* and discussed the German agenda for the Paris Peace Conference. At this meeting, Sobernheim elaborated on national and cultural autonomy and said that his project was a practical formulation of Renner's ideas.[969]

The similarity of language and the structure of some drafts of the Estonian law show that the authors drew on Sobernheim's project. For instance, in some Baltic German drafts, the word *Gemeinschaft* was used similarly to Sobernheim's project and a clause was included declaring that these *Gemeinschaften* are bodies of public law. Rudolf Laun's proposal, which is in literature considered the main influence, did not use this word at all. Laun's role will be analysed below. A more extensive formulation that Bodisco (§7) appears to have taken from Sobernheim (Art. VII) was the paragraph about granting minority self-government a proportionate amount of funds from the state and municipality budget. The wording of this paragraph—as the comparative table shows—is very similar to Sobernheim's project.[970] It should be added that not only is Sobernheim largely an unknown figure in the history of minority rights and non-territorial autonomy, but his project's direct influence on drafting the Estonian Law on Cultural Self-Government has so far not been mentioned in scholarly literature.

[968] Francis R. Nicosia, "Jewish Affairs and German Foreign Policy During the Weimar Republic: Moritz Sobernheim and the Referat Für Jüdische Angelegenheiten," *The Leo Baeck Institute Year Book* 33, no. 1 (1988): 261–83; Fink, *Defending the Rights of Others*, acts 239–241, 329.

[969] Jürgen Matthäus, ed., "Conference Record (Niederschrift). Agenda: The Jewish Question [31.03.1919]," *The Leo Baeck Institute Year Book* 48, no. 1 (January 1, 2003): 101–3.

[970] Sobernheim, Vorschläge zu einem Entwurf über die Regelung der Stellung der Minderheiten im Staat, ERA.1000.1.72, p. 90 (art. II&VII); Entwurf. Gesetz betr. die autonome Deutsch-Baltische Minderheitsgemeinschaft in der Republik Estland, ERA.1108.8.104, unpaginated, §§1&7; Spindler, *Vähemusrahvuste kultuuriline autonoomia*, 41-42 (§§1 & 9).

Some examples of similar wording in different projects		
Sobernheim	*Bodisco, Entwurf. Gesetz betr. die autonome Deutsch-Baltische Minderheitsgemeinschaft in der Republik Estland, ERA.1108.8.104*	*Law project published in Spindler's book*
II. Diese Gemeinschaften bilden öffentlich-rechtliche Korporationen.	§ 1. Die Deutsch-Baltische Minderheitsgemeinschaft besteht auf Grund des §21 des Grundgesetzes der Republik Estland als öffentlich rechtliche Körperschaft.	§ 1. Vähemusrahvuste ühendused on Eesti Vabariigis põhiseaduse § 21. jõul avalikõiguslised asutused.
VII. Soweit der Staat oder die Gemeinden (Gemeindeverbände) für Herstellung, Einrichtung und Unterhaltung religiöser, kultureller und sozialer Anstalten allgemeine Staats- oder Gemeindemittel zur Verfügung stellen, sind sie verpflichtet, solche in gleichem Maße auch den Minderheitsgemeinschaften für die von ihnen unterhaltenen Anstalten gleicher Art zuteil werden zu lassen. Der auf die Gemeinschaften entfallende Anteil ist dabei nach Verhältnis von Seelenzahl und Steuerkraft zu ermitteln.	§ 7. Soweit der Staat oder Selbstverwaltungskörperschaften zur Einrichtung und Unterhaltung von Bildungsanstalten, sowie kulturellen und sozialen Anstalten staatliche oder kommunale Mittel zur Verfügung stellen, sind sie verpflichtet, solche verhältnismässig auch der Deutsch-Baltischen Minderheitengemeinschaft für die von ihr unterhaltenen Anstalten gleicher Art zu Teil werden zu lassen.	§ 9. Niipalju kui riik a) haridusasutuste ning kultuuriliste ja hoolekande asutuste asutamiseks, ülalpidamiseks ja nendele abiandmiseks, b) punkt a) all nimetatud asutustele ruumide ja ehituste jaoks ja nimelt üüriks, uuteks ehitusteks ja remontideks, riiklisi summasid lubab ehk olevaid ruume ja ehitusi tarvitada annab, on tema kohustatud vähemusrahvuste ühendustele vastava osa nendest summadest andma, kus juures riigi päralt olevad ruumid ja ehitised üürihinna järele rahas arvatakse. lga vähemusrahvuse ühenduse peale langev osa arvatakse välja a) haridusasutustele vahekorra järele, milles kõikide vähemusrahvuse ühenduse avalikkude- ja era- harielusasutuste kasvandikkude arv kasvandikkude arvuga kõikides riigis olevates haridusasutustes on: b) kultuurilistele ja hoolekande asutustele vahekorra järele, milles katastris registreeritud vähemusrahvuse ühenduse liikmete arv elanikkude koguarvuga Vabariigis on.

Scholars have argued that Rudolf Laun's project for non-territorial minority protection was possibly the most important influence on the Estonian minority legislation. Rudolf Laun (1882-1975) was a legal scholar active in the Central Organisation for Durable Peace, and in 1919 he worked for the Austrian government and participated in this capacity in the peace talks in Paris.[971] In his 1919 project,[972] Laun proposed creating a registry-based national autonomy that would administer educational and confessional affairs and have taxation rights. In 1948, in a *Festschrift* to Rudolf Laun, Werner Hasselblatt wrote that due to complicated postal connections, when the Germans campaigned for minority rights, they had access only to Laun's project. Hasselblatt stressed that, in particular, Laun influenced them in terms of the national register and taxation rights.[973] Based on this claim by Hasselblatt, scholars have later argued that Laun's project was the most important influence and the link between Austro-Marxist thinkers and the Estonian legislation.[974] Karl Aun (whose *Doktorvater* was Laun) has written in his dissertation that Laun's project has some clear parallels with the formulation of several paragraphs of the Estonian constitution, in particular §21 promising minority autonomy, which was derived from articles 17

971 Kuzmany, "Non-Territorial National Autonomy in Interwar," 322–23, 330.
972 Laun, *Entwurf eines internationalen Vertrages*; Bordihn, *Das positive Recht der nationalen Minderheit*, 68–78.
973 Hasselblatt, "Kulturautonomie. Ein Erinnerungsblatt für Prof. Rudolf Laun," 34.
974 Aun, *Der völkerrechtliche Schutz*, 55; Michael Garleff, "Die Kulturelle Selbstverwaltung der nationalen Minderheiten in den baltischen Staaten," in *Die baltischen Nationen: Estland, Lettland, Litauen*, ed. Boris Meissner (Köln: Markus, 1990), 94; Laurits, *Saksa Kultuuromavalitsus*, 45; cf. Kuzmany, "Non-Territorial National Autonomy in Interwar," 331.

and 18 of Laun's project.[975] Indeed, Laun's project appears to be among the models with which lawmakers worked.[976] Furthermore, in the correspondence of the Baltic German activists, Laun appears to be among the circle of contacts.[977] Nevertheless, in light of previous chapters of this dissertation and the analysis offered in this chapter, Rudolf Laun's project is only one project among numerous other sources which activists fighting for minorities' autonomy and politicians discussing these provisions were aware of and used in drafting the law.

In preparing the drafts, the authors were not only aware of other legal arrangements but also liaised and collaborated internationally and exchanged expert knowledge. For instance, Werner Hasselblatt corresponded with Professor Rudolf Smend, an constitutional law expert at the University of Berlin, asking for a legal expert opinion regarding many legal nuances of the draft.[978] German campaigners for autonomy also corresponded with Professor Erich Kaufmann, one of the leading experts on constitutional law, and received an expert analysis of the autonomy law draft from him.[979] Similarly, there was a very close collaboration between German parties in Latvia and Estonia in the early 1920s, when they had a special committee where they exchanged and discussed their law drafts and concentrated their efforts in the international arena regarding international minority protection mechanisms under the auspices of the League of Nations.[980]

8. Conclusion

This chapter has argued that constitutional minority autonomy provisions and the Law on Cultural Self-Government were born as a result of lengthy negotiations, meaning that several factions, Estonian parties, and several minorities contributed to the final outcome. Achieving a common platform meant that all parties had to compromise. Scholars have distinguished four possible ways in which the authors of constitutions tended to respond to the challenges a plural society triggers: imposition (the dominant group imposes its will), silence (unable to find an agreement, the matter is left unresolved), accumulation (no agreement is found and the opposing parties adopt contradictory demands), and synthesis (an "overlapping consensus" where the opposing parties

[975] Aun, *Der völkerrechtliche Schutz*, 55.
[976] E.g. Spindler, *Vähemusrahvuste kultuuriline autonoomia*, 23.
[977] E.g., Rudolf Smend recommended Hasselblatt to contact Rudolf Laun, Der Deutsche Geschäftsträger für Estland to Hasselblatt, 25.05.1923, ERA.85.1.53. Closer study of the vast correspondence in the archives could shed some more light into this connection.
[978] Hasselblatt to Smend, 20.04.1923, ERA.1000.1.89, pp. 74-76; Protokoll, 10.06.1923, ERA.1000.1.9, p. 27. I have not managed to find Smend's analysis.
[979] Letter to Kaufmann, 23.07.1923, ERA.85.1.54, p. 1; I have not managed to find Kaufmann's analysis.
[980] See correspondence and minutes, 1920s, ERA.1000.1.73.

make considerable concessions).[981] The analysis above has shown that the solution that the authors of the Estonian constitution and later on the minorities' law reached was a synthetic compromise: all parties had to make considerable concessions, but the final law was still, at its core, a non-territorial provision.

Political compromise-making thus played an important role in influencing the outcome of the Law on Cultural Self-Government. It also influenced the conceptual choices that the lawmakers made, more specifically designing the minority protection system as self-governments. This distinction was made due to political compromise-making, but also the distinction prevalent in the works of German legal scholars to which the lawmakers referred.

Most importantly, the "final product," the Law on Cultural Self-Government passed in 1925, based on the respective constitutional provisions, was an outcome of circulating ideas. The choice of self-government model shows how legal thinking in Estonia evolved in the framework of influential works of German and Russian legal scholars. In drafting and debating minority rights, minority and majority authors were aware of and inspired by numerous sources. These included the theoretical works of Bauer and Renner, whose ideas clearly framed the nascent Estonian minority self-government system. These also included practical projects, such as the Ukrainian national-personal autonomy law and Rudolf Laun's proposal. The Ukrainian law was discussed in parliament and in the newspapers, and the Jews of Estonia had sent a copy of it to the Constituent Assembly. Furthermore, this chapter has, for the first time, demonstrated that a project so far unknown—the autonomy law project by Moritz Sobernheim—directly influenced some initial law drafts written by Baltic Germans. In this circulation, some of the materials were directly sent from organisations in Berlin, and the Baltic German MPs were in contact with experts in Berlin to draw on their expert knowledge. In this exchange, local actors such as the Baltic Germans advocated for autonomy. August Spindler drafted a pamphlet which familiarised politicians with the very model of cultural autonomy, giving a very broad overview of minority protection models. The law was thus born out of these various theoretical and practical projects, but was equally a compromise solution designed for local conditions.

Scholars have stressed that the law was largely designed as a compensation for Baltic Germans for losing their position. In the campaign for autonomy, the Baltic Germans were undoubtedly the leaders of the very effort, but numerous other actors were involved. Jews expressed their interest in autonomy and provided materials for the Constituent Assembly. When the lawmakers set a threshold number required to establish autonomy, it was set based on the

[981] Roberto Gargarella, "Constitution Making in the Context of Plural Societies. The 'Accumulation Strategy,'" in *Constituent Assemblies*, ed. Jon Elster et al. (Cambridge: Cambridge University Press, 2018), 15–19.

number of Jews in Estonia. In most of the drafts—except the early ones which the Baltic Germans proposed only for themselves—there was always at least three and usually more minorities mentioned. Furthermore, Russians and a Swedish delegate were involved in this parliamentary work. The final outcome was, however, very much influenced by the proposals of some of the leading Estonian politicians.

That the Estonian minority rights regime was born as a result of parliamentary negotiations invites us to revisit the very nature of the interwar Estonian state. In 1928, Eugen Maddison put forward a question on the pages of the journal *Nation und Staat*, published by the Congress of European Nationalities. Maddison was a St. Petersburg University-trained lawyer. As an expert on public law, he was involved in the process of drafting the Law on Cultural Self-Government and later worked in the Ministry of the Interior,[982] supervising minority self-governments. Was Estonia a nation-state or a nationalities state (*Nationalitätenstaat*) where all the nationalities made up the Estonian (state-)nation (*estländisches Volk*)?—Madisson asked.[983] He concluded that from a *legal* (*juridisch*) point of view, Estonia was not a pure nation-state, but rather a nationalities state, since the red thread connecting the main state-founding documents was the aim to build an independent state with all nationalities, not only for ethnic Estonians. He argued that the constitution guaranteed that citizens were free to determine their ethnic belonging, which theoretically made it possible that, over time, a minority became a majority and a majority a minority. Thus, as a result, the state could theoretically change its "colour," which would be entirely impossible in the case of a nation-state. The idea that Estonia was a nationalities state found resonance among the minorities, particularly Baltic German activists, as both Ewald Ammende (1893-1936) and Werner Hasselblatt picked up this idea, which in the case of Hasselblatt harmonised well with his understanding that the pure nation-state model was unsuitable for ethnically diverse parts of Europe.[984]

In his provoking and counter-intuitive account, Maddison clearly exaggerates. Take for instance the occasional discrepancy between liberal legal provisions and actual more restrictive practice in the case of determining ethnic belonging.[985] But his article draws our attention to some important points which are relevant in the context of the interwar Estonian minority protection

[982] Throughout the text, I use the name Ministry of the Interior. The name of this ministry changed as its powers changed over time (e.g. between 1929 and 1934, the official name was the Ministry of Justice and Interior Affairs (*Kohtu- ja Siseministeerium*)).
[983] Eugen Maddison, "Nationalpolitische Grundsätze der estländischen Staatsverfassung," *Nation und Staat*, no. H 6 (1928): 416–20.
[984] Hasselblatt: Buchmanuskript "Über die Kulturautonomie", ERA.85.1.60, pp. 96-97; Ammende, *Die Nationalitäten in den Staaten*, 6–7; Werner Hasselblatt, "Das Grundgesetz des Freistaates Estland," *Rigasche Zeitschrift für Rechtswissenschaft* II, no. 1 (1927): 282–83.
[985] E.g. the freedom of determining ethnic belonging and the restrictions introduced: Tark, *Rahvuskuuluvuse tähendus*.

system. Liberal minority protection provisions and the self-government law in Estonia do somewhat blur the nature of the Estonian nation-state, which is usually understood as an entity catering for the dominant nation foremost. Furthermore, it also helps to diversify our understanding of interwar nation-states, which are usually understood through the lens of the discriminatory measures they introduced. But the Estonian case is different in this context. The minority protection provisions were not mere rights on paper, but enabled minorities to establish and practice self-government. This latter aspect—the practice of cultural self-government—will be analysed in the next chapter.

Chapter 7 Jewish Cultural Self-Government in Practice, 1926–1934[986]

1. Introduction

In 1929, the grand old man of Jewish autonomism in the Russian Empire, Simon Dubnow, wrote in his magnum opus *The World History of the Jewish People* that against the background of "enslaved" neighbouring Bolshevik Russia, Estonia, Latvia, and Lithuania, with Jewish-friendly autonomy provisions, were "asylums of freedom," "oases in the desert." [987] As the final chapter of this study demonstrates, positive assessments of the Estonian minority protection system were widespread in the interwar era. This chapter asks if the practical experience of Jewish self-government in Estonia really corresponds to this strongly approving statement. In order to answer this question, in the chapter, the minutes of the Jewish Cultural Government and Council from its establishment in summer 1926 until Päts's authoritarian coup in March 1934 will be analysed.[988]

As the previous chapters showed, the 1925 Law on Cultural Self-Government developed at the intersection of different theoretical works and law projects. Estonian Jews expressed their interest in achieving autonomy, but did not play a main role in defining the content and achieving the passage of the law. The authors of the law knew that they were entering into uncharted territory, as there had been close to no previous experience with such a full-scale autonomy arrangement. Thus, they designed it as a framework law to be amended in the future, based on the actual outcome of the experiment. Thus, the chief question this chapter traces is how these legal provisions worked in practice, and whether the core elements of it actually functioned and achieved their goals in the specific case of the Jews of Estonia.

More specifically, this chapter traces the core aspects of self-government, such as the process of establishing autonomy, and how its finances and national list functioned. Furthermore, it will trace how this institutional framework, which had its premise in some form of overarching consensus, handled the profound intra-group conflict between the Yiddishists[989] and Hebrewists. It will also ask if the intended separation of cultural and political affairs worked in the Jewish case.

By focusing on these questions, this chapter helps to understand what the potential challenges in applying non-territorial autonomy provisions in various settings had been. It helps

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[986] Some parts of the chapter are published in Timo Aava, "Jewish Autonomy in Interwar Estonia and the Life Trajectories of Its Leaders," *S: I.M.O.N. Shoah: Intervention. Methods. Documentation.* 10, no. 1 (2023): 4–24.
[987] Simon Dubnow, *Weltgeschichte des jüdischen Volkes von seinen Uranfängen bis zur Gegenwart*, vol. 10 (Berlin: Jüdischer Verlag, 1929), 538.
[988] ERA.40.1.6885 (documents from 1926) to ERA.40.1.6916 (documents from 1940).
[989] "Yiddishists" is the term that was used in the sources, also as a self-identification of the camp. Although the Jewish political landscape of the era was very diverse, in the Estonian case, this camp supported Yiddish and was against Zionism.

broaden our understanding of the functioning of self-government, a topic that scholars have mostly approached through the German case but have also stressed that practical experiences need further study.[990] By offering the first comprehensive analysis of the work of Jewish cultural autonomy in Estonia, this chapter will advance our understanding of the history of the Jewish minority in Estonia.

Furthermore, studying the Jewish self-government in Estonia helps to diversify the understanding of the experience of minorities and Jews in interwar Europe, and show that, in addition to the general trend of rejecting minority rights, some states created legal minority-protection frameworks to address the demands of the minorities. The Estonian Jewish community was very small, and Estonia itself has been a peripheral topic in the history of the Russian western borderlands and the history of interwar Europe. As a result, the experiment with Jewish autonomy in Estonia is hardly known in historical scholarship outside the circle of specialists of the Baltic states.[991] Interestingly, far shorter experiments with Jewish autonomy in Lithuania and Ukraine have been studied in several articles and monographs,[992] and are established reference points in literature, whereas the far longer Jewish autonomy in Estonia is either entirely neglected or just a side note. Even in studies that explicitly focus on Jewish autonomism in late imperial Russia and its aftermath, the Estonian case remains in the shadow of the far shorter Jewish autonomy in Lithuania.[993] For instance, Simon Rabinovitch, in the last chapter of his monograph on the outcomes of Jewish autonomism in post-Romanov space after the First World War, stresses that it was only Ukraine and Lithuania where short-lived Jewish autonomies existed. He generalises these examples for the entire region, arguing that "all the states where Jews came to live in the post-Versailles era eventually squelched the one political aspiration that united the different strands of Jewish politics in Russia and Eastern Europe: autonomy."[994] Thus, this chapter aims to bring the largely unstudied case of Jewish self-government in Estonia into the scholarly discussion.[995]

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990 David J. Smith, "Estonia: A Model for Inter-War Europe?," in *Non-Territorial Autonomy in Divided Societies: Comparative Perspectives*, ed. John Coakley (London: Routledge, 2017), 89–104.

991 E.g. Joshua M. Karlip, *The Tragedy of a Generation: The Rise and Fall of Jewish Nationalism in Eastern Europe* (Cambridge, Massachusetts: Harvard University Press, 2013).

992 Liekis, *State within a State?*; Abramson, *Prayer for the Government*.

993 Liekis, *State within a State?*; Eglė Bendikaitė, "From a Certain Desire or Real Need: The Contexts of Jewish Acculturation in Lithuania after the Failure of National Autonomy in 1925–1940," *Jewish Culture and History* 18, no. 2 (2017): 170–89; Gringauz, "Jewish National Autonomy."

994 Rabinovitch, *Jewish Rights*, 249–50; c.f. Frankel, "Dilemmas," 275–76.

995 There is a growing interest in the topic. In addition to Rabinovitch's monograph, an edited volume on Jewish self-government in Eastern Europe (mainly focusing on Poland) was recently published: François Guesnet and Antony Polonsky, eds., *Jewish Self-Government in Eastern Europe*, Polin: Studies in Polish Jewry (London: The Littman Library of Jewish Civilization, 2022).

2. Setting up autonomy

On 6 June 1926, members of the elected Jewish Cultural Council convened in the assembly hall of the newly built modern Jewish schoolhouse on Karu Street in Tallinn for their first meeting. The meeting started with a Jewish religious song sung by the choir of the Tallinn synagogue. In addition to the elected members of the Council, numerous guests attended: Estonian Minister of Foreign Affairs Ants Piip, on behalf of the state government, representatives of various other state institutions, Harry Koch and B. Meyer on behalf of the German Cultural Self-Government, Gorshkov on behalf of the Russian minority in Estonia, representatives of Jewish religious communities and other Jewish organisations, and the press. In a festive mood, the representatives held congratulatory speeches: the Jews of Estonia thanked the Estonian government, stressed the unique situation of Estonia's Jews, who were the first to put such provisions into practice, and stressed the role of Germans in achieving autonomy provisions. The Zionists declared that for granting autonomy to Jews, Estonia would be included in the Golden Book of the Zionist Organisation in Jerusalem. Setting up autonomy also had some international support, and Jewish activists such as Leo Motzkin and Leib Jaffe sent their congratulatory telegrams.[996] The festive part of the meeting ended with singing the Estonian anthem and the Zionist anthem "Hatikvah."[997] After a break, the elected members of the Council convened and decided univocally to establish Jewish cultural self-government.[998] A couple of days later, on June 16, the Estonian government approved the decision and declared the Jewish Cultural Self-Government open.[999]

Reaching this univocal decision on establishing Jewish autonomy was the result of several years of work before and after passing the Law in the parliament. Estonia's Jews decided to use these legal provisions a couple of months after passing the Law. At the beginning of June 1925, a meeting of the Union of Estonian Jewish Communities (*Eesti Juudi Koguduste Liit*) convened in Tallinn and decided to establish autonomy.[1000]

At the meeting, there were some sceptics about autonomy. Some questioned if there should be an additional institution in addition to religious communities which already carried out various social, religious and cultural tasks and was at the heart of Jewish life. Max Laserson, a member of the Latvian parliament and minority rights specialist, was also invited to help the

[996] A. Tammeri, "Otkrytie evreiskago kulturnago soveta," *Posledniia izvestiia*, September 6, 1926; numerous telegrams are printed in: Samuel Gurin, ed., *E. V. Juudi Vähemusrahvuse Kultuuromavalitsuse juubeli album. Der yubl-almanakh fun der idisher kultur-zelbstfarvaltung in Esti* (Tallinn: Juudi Kultuurvalitsus, 1936), 10–11.
[997] "Eesti juutide suurpäev," *Päewaleht*, July 6, 1926; "Die feierliche Eröffnung der jüdischen Kulturselbstverwaltung," *Beilage des Revaler Boten*, July 6, 1926; Tammeri, "Otkrytie evreiskago kulturnago soveta."
[998] Eesti Vabariigi Juudi I kultuur-nõukogu avamiskoosolek protokoll, 06.06.1926, ERA.40.1.6885, pp. 26-27.
[999] Vabariigi Valitsuse otsus, 16.06.1926, ERA.40.1.6885, p. 4.
[1000] For documents regarding preparing the meeting see: ERA.2297.1.13.

Estonian Jews to decide on the establishment of self-government. In his talk, Laserson stressed three reasons why the Estonian Jewry should establish their autonomy. First, since there were no Jewish delegates in the Estonian parliament, it would be an important representative body for Jews. Second, establishing autonomy would be important in order not to be worse off compared with other minorities of Estonia who had set up autonomy. Finally, Laserson stressed that Estonia's Jews had a duty to all Jews of the world to set up autonomy and use the legal provisions that Jews in other states did not have.[1001] The latter point became a common theme later in practicing Jewish autonomy. Ultimately, the meeting of the representatives of Estonian Jews unanimously decided to proceed with establishing self-government and submit the application to the Estonian government.[1002]

However, the first application was rejected by the government on formal grounds because some of the official delegates of the meeting which decided to send an application to the government were not Estonian citizens. The government thus concluded that it cannot consider it as "the will of the citizens of Estonia." The second application was submitted in October 1925 and the Estonian government approved it on November 25, 1925. The process ended with the official start of the work of the Jewish Cultural Self-Government on June 6, 1926.[1003] According to the application, there were 3,045 Jews in Estonia with Estonian citizenship, thus only very narrowly above the threshold of 3,000 required to be eligible for autonomy.[1004]

The example above shows that citizenship was arguably among the more challenging questions for the Jews of Estonia in establishing and maintaining autonomy, since being a citizen was a precondition of being part of the body. Since Estonia had not been part of the Pale of Settlement, large parts of the Jews in Estonia did not initially qualify as citizens according to the provisional citizenship regulation. In order to qualify, individuals had to provide official recidency data dating back several years but not all Jews in Estonia had been officially registered due to the restrictions in the Russian Empire.[1005] By the time the Law on Cultural Self-Government was passed, this question was largely solved, but it was nevertheless more of a topic for Jews who were more mobile than for the more settled Baltic Germans or Swedes.

One of the crucial steps that followed after submitting the application was compiling the list of citizens eligible to elect the first Cultural Council that would decide upon establishing Jewish Self-Government. The procedure of compiling the list was complicated, and consisted of

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[1001] Z.-y., "Brief aus Estland," *Jüdische Rundschau*, March 7, 1925; A. Tammeri, "S"ezd evreev. Vopros o kulturnoi avtonomii," *Posledniia izvestiia*, May 6, 1925.
[1002] Protokol zasdenii s"ezda predstavitelei vsekh Obshchii Estii, 01.-02.06.1925, ERA.2297.1.7, p. 2.
[1003] For correspondence and government's decision see: ERA.31.3.4539.
[1004] Maddison, *Die nationalen Minderheiten*, 23–24; Tatiana Shor, "Kul'turnaia avtonomiia evreev," 295.
[1005] Weiss-Wendt, *On the Margins*, 83–84.

numerous steps. In essence, the process was similar to the process of compiling a list of voters for the first German Cultural Council.[1006]

According to the Law and the ruling of the government, within one month the municipal governments had to compile the first lists of citizens in their respective municipality who were eligible to vote. The municipal governments compiled these lists based on the data they and the police already possessed as well as on individual declarations.[1007] The provisional lists were made public for two months for scrutiny in the municipal office and this was announced in the local newspapers.[1008] During this period, individuals could ask to be included in or removed from the list. If an individual declaration of ethnic belonging differed from the data that the authorities possessed, then to be included in the list of voters the individual first had to change their ethnic belonging in the identification documents (*legitimatsiooni dokument, isikutunnistus*) issued by the Ministry of the Interior. During this process, no substantial changes were made to the lists. For instance, in Valga and Viljandi, only a couple of individuals were omitted from the Jewish list due to death or lack of citizenship. A couple of individuals were added based on personal applications.[1009] The entire procedure was crucial since the Law (§19) stipulated that if less than half of the adult citizens, according to the last census data, were enrolled in the electoral list, no elections would be organised. The respective minority could submit a new application only after three years.

This procedure of compiling electoral lists was very similar to early experiments with some elements of non-territorial autonomy in the Habsburg Empire. When Moravia, Bukovina, and Galicia introduced national registers, they were also first put on public display. However, whereas in these cases, all registered members were able to challenge the inclusion of other individuals; in Estonia, it was a purely individual question, and the legal arrangements enabled only individuals to register and deregister and no other individual could challenge someone's membership.[1010]

This scheme of compiling national lists was not without its problems. According to this principle of tacit consent, an individual who did not want to identify as Jewish and be a part of the electoral list could still end up as a member if an individual was not aware of the entire process of compiling the lists. Also, the data taken as the basis for the lists was created in a different context.

1006 Tark, *Rahvuskuuluvuse tähendus*, 98–101.

1007 "Määrus Eesti Wabariigi Juudi wähemusrahwuse I kultuurnõukogu walimiste walijate nimekirja kokkuseadmise kohta," *Riigi Teataja*, no. 187/188 (1925): 1071–72.

1008 See e.g. *Lõuna-Eesti,* 02.01.1926; *Sakala,* 14.01.1926, *Vaba Maa. Pärnu väljaanne*, 07.01.1926, *Postimees*, 09.02.1926, *Saaremaa*, 09.01.1926, *Kaja,* 19.01.1926, *Dorpater Zeitung,* 09.02.1926.

1009 Juudi vähemusrahvusest hääleõiguslike kodanike nimekiri, ERA.3084.1.118, unpaginated; Nimekiri Juudi vähemusrahvuse esimese kultuurnõukogu valimiste valijate üle, kes elavad Viljandi linnas, ERA.3077.1.195, pp. 13-14; Applications of M.B., E.B. and M.M., ERA.3077.1.195, pp. 8-10.

1010 On Habsburg experiments see: Kuzmany, "Habsburg Austria," 54; Kuzmany, "Objectivising National Identity."

For instance, when the German list was compiled, the outdated address data from the period of German occupation was used, but during these years, identifying oneself as German was more useful.[1011] Some have claimed that 2,000 individuals who were either Estonian, Finnish, or Russian ended up on the German list.[1012] Thus, although §20 of the Constitution stated that each individual was free to determine their ethnic belonging, implementing this principle was more complicated.[1013]

On the other hand, the system of tacit inclusion was administratively less burdensome and, in the end, more favourable for the minority than a system where every individual would have had to apply individually to be a member of the list.

Together with the preparations for the elections, a broader campaign was started to convince Estonian Jews to support autonomy. Autonomy activists issued special publications to inform their readership about the Estonian autonomy legislation and the advantages of setting up autonomous Jewish institutions.[1014] Numerous candidate lists were set up for the first elections: Poalei Zion, the Tallinn Zionist Organisation and the Zionist Labour Organisation Hitachduth, National Bloc, a list of cultural figures, a list of society figures, a list of the parents of students attending the Tallinn Jewish Gymnasium. Several candidates, in particular in smaller electoral districts like Valga, did not have any clear party affiliations and ran as unaffiliated candidates. The candidates running for the Council formulated their programmes and published various posters to gain votes.[1015]

The elections took place on May 23–25, 1926. Out of the 2,040 citizens who were eligible to vote, 1,464 cast their votes, which puts the participation rate at 71 per cent.[1016] The participation rate is slightly higher than in the first elections to the German Cultural Council in 1925, when the rate was 67 per cent.[1017] It was well above the participation rate required by the law which stipulated (§25) that at least 50 per cent of the registered individuals had to cast their votes. After the elections, there were four factions in the Council: Zionists (15 members), Poalei Zion (1), Yiddishists (7; Yid. *idishistn*) and non-affiliated (4; Yid. *umparteyishe*).[1018]

When the first ordinary session of the Cultural Council convened, one of the tasks was to elect the members of the Cultural Government and the president of Cultural Self-Government.

1011 Tark, *Rahvuskuuluvuse tähendus*, 101.
1012 Smith and Hiden, *Ethnic Diversity*, 47.
1013 Tark, *Rahvuskuuluvuse tähendus*, 98–101.
1014 S. Mendelev, ed., *Di natsional-kulturele avtonomie. Aynmalige oysgabe gevidmet der kultureler avtonomie in Estland* (Dorpat: Juudi Kogukonna Valitsus, 1926).
1015 ERA.1107.1.14, ERA.2282.1.6.
1016 Maddison, *Die nationalen Minderheiten*, 23; Ammende, *Die Nationalitäten in den Staaten*, 23.
1017 Laurits, *Saksa Kultuuromavalitsus*, 72.
1018 "Di organe fun kultur-zelbstfarvaltung," *Biuleten fun der idisher kultur-zelbstfarvaltung in esti*, no. 1 (1927): 3–4; cf Põldsam, "Juudi keeletülist Eestis,", 225.

Two candidates for the position of the president were set up: Hirsch Aisenstadt, who had run for the Council on the list of society figures (*seltskonnategelased*), and Abram Gurevitsch, who had run in the Tallinn Zionist and Zionist labour list "Hitachduth." Gurevitsch ultimately withdrew his candidacy, and Aisenstadt won the position with nineteen votes. An advocate of Zionism, Aisenstadt, one of the main advocates of Jewish autonomy in Estonia as early as the spring of 1919, managed to be the president during the entire duration of the autonomy until the Soviet occupation.

The results of the first Council election already demonstrate the relatively high-level secularisation of the Jews of Estonia and the absence of a strong orthodox force. Introducing this very institution for the minority possibly further boosted it. One possible indicator is the participation of women in self-government affairs. Namely, Jewish women not only had a right to vote, but also to run for seats in the Council and several did so. At least five women in total were elected to the councils and after every election, at least one woman won a seat.[1019] The highest number of women in the Council was after the elections to the third Council in 1932, when four women were elected. Women were also included in the Cultural Government. In the 1930s, when Haia Itskovits was responsible for the national list. This representation of women in Jewish autonomy institutions is even somewhat higher than in the Estonian parliament during the interwar years. While there were several women delegates in the Constituent Assembly, in the later parliaments there were either one or two or no female delegates at all.[1020] By comparison, in interwar Vilnius, several Jewish women ran for the City Council, either in a separate women's list or within the National Bloc, but no women won a seat.[1021] Thus, the introduction of Jewish self-government possibly further boosted internal secularisation and gave opportunities for women which they otherwise would not have had.

3. Institutional structure: territorial and non-territorial

After the first meeting, which univocally decided to establish autonomy, work started to set up the

[1019] Haia (Chaia) Itskovits (elected in 1932, 1936, 1940), Rahel Klompus (1926, 1929), Dvoira-Hana Pikarevits (1932), Malka Shliefstein (Schliefstein) (1932) and Rivka Usvanski (1932) won seats. This preliminary list is based on members according to the election results. Closer analysis of members could expand these numbers since occasionally, members of the council resigned and deputy members were included instead.

[1020] Rita Hillermaa and Piret Viljamaa, *Naised Eesti parlamendis 1917-1940, 1992-2019* (Tallinn: Eesti Rahvusraamatukogu, 2020), 4.

[1021] Ellen Kellman, "Feminism and Fiction: Khane Blankshteyn's Role in Inter-War Vilna," in *Polin: Studies in Polish Jewry Volume 18: Jewish Women in Eastern Europe* (Liverpool: Liverpool University Press, 2007), 228.

institutions.[1022] As seen in previous chapters, the initial goal of Estonian Jews was to set up autonomy by modernising the existing religious Jewish communities (*kehilla, obshchina*). However, during the parliamentary negotiations, a different model was drafted, and Jewish religious communities remained separate entities outside the structure of Jewish self-government. One of the central elements of the Jewish Cultural Self-Government (Est. *Juudi Kultuuromavalitsus* Yid. *idishe kultur-zelbstfarvaltung*) was the national register (Est. *rahvusnimekiri*, Yid. *natsional kataster* or *reshime*) which will be analysed later in this chapter.

Registered Jewish citizens had the right to elect the Jewish Cultural Council (*Juudi Kultuurnõukogu*, Yid. *idisher kultur-rat*), comprising 27 members, elected for three years. The Council, or the "Jewish Parliament," as the Jews of Tallinn called it,[1023] was the "legislative" arm to decide on all important questions of self-government. These included electing members of the Cultural Government and the cultural curatoria. It also included approving the yearly budgets. For the first elections, seven electoral districts were created: Viru, Järva-Viljandi, Harju-Lääne-Saare (including Tallinn), Pärnu, Tartu, Valga and Võru-Petseri. The number of delegates elected in each district depended upon the number of Jewish voters in the district. Thus, the district with the most Jewish citizens, Harju-Lääne-Saare, elected eleven, Tartu seven, and Viru three. The Pärnu and Valga districts both sent two delegates, while the Võru-Petseri and Järva-Viljandi districts both sent one delegate.[1024] Apart from smaller changes, such as creating an additional Narva district and slight renaming of the districts, this system remained intact for the coming years. The electoral district system corresponded to the particularities of Jewish settlement in Estonia.[1025] When the German Cultural Self-Government was set up, it had ten electoral districts, which corresponded with the German settlement structure.[1026] However, these electoral districts also show some peculiarities of the Estonian autonomy system. Namely, the electoral districts had to cover the entire country, yet Estonia's Jews lived almost exclusively in towns and cities. In fact, 98 per cent of Jews in Estonia lived in the urban environment, being the most urbanised ethnic group in Estonia. At the same time, only about 30 per cent of Estonians and 83 per cent of Germans lived in cities.[1027] Thus, the districts covered entire counties but usually there were few or no voters outside the cities.

[1022] For the overview of the structure of self-government see David J. Smith, "Estonia: A Model for Interwar Europe?," *Ethnopolitics* 15, no. 1 (January 2016): 94–96; Laurits, *Saksa Kultuuromavalitsus*, 69–85; Garleff, "Die Kulturelle Selbstverwaltung der nationalen Minderheiten in den baltischen Staaten," 94–95, 88–101; Kaido Laurits, "Die deutschbaltische Minderheit in der Republik Estland von 1918 bis 1940," *Nordost-Archiv* 19 (2010), 74-75. Jewish self-government is summarised in: Michael Garleff, "Die baltische Staaten und die Juden," in *Jahrbuch des baltischen Deutschtums*, 2005, 109.

[1023] "Die jüdische Autonomie in Estland," *Die Neue Welt*, January 3, 1929.

[1024] Valimiste peakomitee koosoleku protokoll, ERA.14.1.1141, p. 3.

[1025] On settlement structure see: Eiki Berg, "The Peculiarities of Jewish Settlement in Estonia," *GeoJournal*, 1994, 465–70.

[1026] Maddison, *Die nationalen Minderheiten*, 22–23; Laurits, *Saksa Kultuuromavalitsus*, 71.

[1027] Põldsam, *Lazar Gulkowitsch*, 58–59.

The Cultural Government (Est. *Juudi Kultuurvalitsus,* Yid. *idishe kultur farvaltung*) was the executive arm of the autonomy. It consisted of seven members and was headed by the president. The Cultural Government convened more often than the Council and managed routine affairs. Its main task was to implemented the decisions of the Council. Other institutions of the Jewish Cultural Self-Government apparatus were the on-site cultural curatoria (Est. *kultuurhoolekogu*, Yid. *kultur-kuratorium*). The Jewish Self-Government established six curatoria: Narva, Pärnu, Tartu, Valga, Viljandi, and Võru-Petseri. With its seat in Tallinn, the Cultural Government also carried out tasks of a curatorium in the district. Cultural curatoria dealt with the affairs of their unit, such as accepting applications to register, administering the national register of the district, organising tax collection, and administering cultural and educational life on the local level.[1028] In essence, the territories that cultural curatoria covered overlapped with electoral districts. All the positions of the Jewish Cultural Self-Government were unsalaried and fully voluntary. Only the secretary and assistant secretary were remunerated positions.[1029]

The Jewish Cultural Government also had separate departments for various affairs. In establishing autonomy in 1926, these included the financial, schooling, cultural, and legal departments, and a department of the national list. These departments, however, were in essence individuals, members of the Cultural Government, responsible for specific questions and not necessarily a bigger team of specialists. Occasionally, however, they included external specialists when assistance was needed in the departments.[1030]

Despite being non-territorial at their core, the institutions and the practice of Jewish cultural autonomy show that the autonomy system had some territorial elements. These territorial elements were the electoral districts, district candidate lists, and cultural curatoria. Instead of one list of candidates for the entire state, the candidates could be set up in territorial electoral districts, and voters voted in the respective district of their place of residence. This voting system was very similar to the electoral districts and voting for the state parliament. Administrating cultural-educational affairs was also brought to the local level via the cultural curatoria. Despite these significant territorial aspects of the Estonian autonomy model, the system was in its nature non-territorial. In the heart of this autonomy arrangement stood the principle that autonomy encompassed the minority group irrespective of the place of residence, and the sphere of activity was not confined to a specific autonomous territorial unit of the state but the entire state. This

[1028] See e.g. Protokoll Tartu juudi vähemusrahvuse kultuurhoolekogu revideerimisest, 18.09.1935, ERA.40.1.6908, unpaginated; Protokoll Narva Juudi vähemusrahvuse kultuurhoolekogu revideerimisest, 18.05.1940, ERA.40.1.6916, unpaginated.
[1029] Revideerimisprotokoll, 30., 31.07. ja 01.,02.08,1935, ERA.40.1.6908.
[1030] I kultuur-valitsuse protokoll, 25.06.1926, ERA.40.1.6885.

shows that, while the model was in its core non-territorial, then in applying it, as in all administration, some territorial aspects still came into play.[1031]

4. "Hanging by a thread": the Jewish national list

The list compiled for the first elections to the Jewish Cultural Council in 1926 served as the basis for the future national register. As we saw above, the minimum number of citizens belonging to the respective minority required to establish autonomy was 3,000 (§8). Setting this number as a threshold was favourable for the Jews of Estonia because it opened the door for their autonomy. However, the Law (§15[b]) also stipulated that the minority self-government would be automatically dissolved if the census showed less than 3,000 citizens belonging to a minority group or if the number of adult citizens in the autonomy registry fell below 50 per cent of the entire number of citizens belonging to the respective ethnic group according to the latest census. The number of Jews registered with the national list never threatened the existence of Jewish autonomy because it never fell close to the level of 50 per cent. However, the declared ethnic belonging in the census could have theoretically endangered the existence of autonomy, because the number of Jews was only slightly above the required 3,000 citizens. Some observers observed that the existence of the Jewish autonomy was "hanging by a thread."[1032] The number of souls the autonomy managed to win also had a major financial impact because every registered adult individual brought in tax money and, proportionally, funds from the state and municipal budgets. Getting people to register also played an important role in the longer-term preservation of autonomy. Individuals who had declared their identity were arguably more strongly affiliated with the minority and participated in its events, which boosted belonging and helped avoid assimilation. Citizens who opted to register were also more likely to mark themselves as Jewish in the census, thus helping to maintain the required number to remain qualified for autonomy.

Providing education is a good example that shows how the issue of the registry and the budget worked. The Jewish Cultural Self-Government had to provide the same amount of funds for a salary of a teacher, irrespective of the number of children in the class. It was a considerable difference for the autonomy's budget if there were ten or twenty families registered. Tax revenue was drawn directly from them, and based on their number the autonomy received financial contributions from the state and respective municipalities. From these funds, the salaries and the very institutional framework had to be covered. Thus, the registry played an important role in the

[1031] C.f. Kuzmany, Battis, and Mulej, "Accommodating National Diversity."
[1032] "Die jüdische Autonomie in Estland."

financial sustainability of the autonomy, and the leaders of the autonomy took various steps to encourage registration and discourage deregistration.

In practical terms, determining ethnic belonging in documents and registering with the Jewish list underwent some changes that reflected legislative amendments. Until 1930, Estonian personal identification documents contained information on ethnic belonging. Although the Constitution had declared freedom in determining individual ethnic belonging, starting from the spring of 1921, the authorities set some restrictions on changing this: one could only change documents issued before the end of 1920, showing that the data had been wrong, and it was possible to change this information only once. Altogether, between 1921 and 1930, when the Estonian authorities stopped including information on ethnic belonging in personal identification documents, more than 1,500 applications were made to change ethnic belonging in documents. During the years when this information was included in personal identification documents, having the respective nationality in the documents was a precondition for enrolment.[1033]

There has been more research into determining ethnic belonging concerning the German Cultural Self-Government than in the case of the Jewish register. The freedom to determine ethnic belonging became a prominent topic in the Estonian press in 1925 in connection with setting up the German autonomy. Many articles criticised changing one's ethnic belonging from Estonian to German, seeing it as a loss for the national body. The lack of clear criteria left the door open for arbitrary changes in ethnic identification. Many applications to change ethnic belonging from Estonian to German ended up in the court. The process of turning to the courts was coordinated by the German Cultural Self-Government, which helped individuals and provided legal assistance via Eduard von Stackelberg, a lawyer who defended many such cases. The Supreme Court ultimately annulled all decisions that rejected applications to change ethnic belonging in documents made by the Ministry of the Interior. In 1927, the Supreme Court declared that all restrictions on changing ethnic belonging were unconstitutional, including the restrictions set in 1921.[1034]

When an individual wanted to be included in the Jewish national list after the first list was compiled, the individual had to hand in an application to the local Jewish cultural curatorium. The application had to include copies of individual identification documents that confirmed belonging to the Jewish nationality.[1035] While the Jewish Cultural Government responsible for Tallinn and

[1033] Tark, *Rahvuskuuluvuse tähendus*, 110–11.

[1034] Tark, 119–21; Supreme Court cases are analysed in: Kaisa Rebane, "Vähemusrahvuste õiguste kohtulik kaitse Riigikohtu administratiivosakonna praktikas 1920-1940" (Master's thesis, Tartu, Tartu Ülikool, 2019); Kaisa Rebane, "Rahvuse vaba määramine – kas põhiseadusega tagatud kodanikuõigus II maailmasõja eelses Eesti Vabariigis?," *Juridica*, October 12, 2019.

[1035] See applications from various cultural curatoria: ERA.2278.1.15 (Narva), ERA.2276.1.7 (Pärnu), ERA.2273.1.4 (Tartu), ERA.2277.1.8 (Viljandi), ERA.2275.1.9 (Võru-Petseri).

the cultural curatoria decided on the applications, they nevertheless had to forward the lists of individuals who were included (or who had opted out) and copies of their identification documents to the ministry. Like in all other questions, the ministry functioned as a supervising authority, ensuring that the procedures followed the law, and typically did not raise objections unless some of the required documents were missing.[1036]

This system lasted until 1930, when information on nationality was scrapped from personal identification documents. The new procedure that the German Cultural Self-Government started using for enrolment in the national list was an individual declaration of national belonging made in the Cultural Self-Government office, confirmed by witnesses.[1037] The Jewish autonomy started using a similar procedure. If an individual wanted to enrol with the Jewish list, they had to appear at a local curatorium of the Jewish autonomy and fill in a protocol on ethnic belonging (Est. *protokoll rahvuse kuuluvuse kohta*, Yid. *protokol iber der natsionaler angeherikeyt*). Individuals now declared their ethnic belonging by signing this document. Additionally, two witnesses had to be present and confirm this with their signatures. It is unclear whether and how the ethnic belonging of the witnesses was checked, but, for instance, documents from Tartu show that the same persons confirmed the belonging of numerous applicants.[1038]

For a variety of reasons, such as the extra tax burden, an unwillingness to strongly affiliate with the Jewish minority group, or the wish to preserve more freedom in choosing schools, there were cases when people either did not register with the Jewish list or decided to opt out. The latter was increasingly an issue starting in 1928. In July 1928, the Tallinn educational authority decided that all Jewish parents on the Jewish autonomy list who wished to send their children to non-Jewish schools had to ask for special permission from the Jewish Cultural Self-Government. However, individuals who were not registered on the Jewish list did not need such special permission, which in turn caused many parents to opt out from the Jewish list.[1039] For a variety of reasons, many parents did not want to send their children to Jewish schools. These included the unwillingness to limit their children to a Jewish environment and to be dragged into the fight between the supporters of Yiddish and Hebrew. Many parents wanted to send their children to German or Russian schools, which were considered more prestigious.[1040] This was the reason why many families decided to deregister.[1041] In 1923/24, only 33 per cent of the Jewish pupils studied

[1036] See e.g. Correspondence between Narva Cultural Curatorium and the Ministry of the Interior, April 1929, pp. 38-47; Correspondence between the Cultural Government and the ministry, April 1927, pp. 49-70.
[1037] Tark, *Rahvuskuuluvuse tähendus*, 133.
[1038] Rahvusnimekirja arvamise avaldused, ERA.2273.1.4.
[1039] Smith and Hiden, *Ethnic Diversity*, 62–63.
[1040] Anna Verschik, "'Long Live the English College!' An Episode from the History of Jewish Education in Estonia," *East European Jewish Affairs* 31, no. 1 (June 1, 2001): 41–48.
[1041] Juudi kultuurvalitsuse protokoll nr 5, 22.03.1931, ERA.40.1.6900, p. 4.

at Jewish schools. Instead of Jewish schools, the largest share of Jewish pupils attended German and Russian schools.[1042] Gradually, however, the prestige of Estonian and Jewish schools increased, and when German schools started gravitating towards National Socialism in 1932, they rejected Jewish students. As a result of these processes, the share of Jewish pupils attending Jewish schools rose to 56 per cent in the 1934/35 school year.[1043]

In the 1930s, Jewish autonomy leaders tried to implement different measures to prevent individuals from deregistering or not registering at all. Occasionally, the leaders of the autonomy wrote informative articles for newspapers, explaining the harmful effects of deregistering for the functioning of cultural autonomy.[1044] Another measure was to announce the names of individuals who had deregistered or did not register at all in newspapers (e.g. in *Frimorgn*, published in Riga, which was widely read by Jews in Estonia) and to inform various Jewish organisations in Estonia about deregistration.[1045] In order to know whom to approach and whom to encourage to register, the leaders of the autonomy contacted numerous Jewish associations in Estonia to get their member lists.[1046] The leaders also personally approached individuals who had deregistered, either by post or even visiting them personally in order to convince them to re-register.[1047] All of these measures were intensified and implemented in a concerted effort during the "register with the cultural autonomy" months organised by the leaders of the autonomy. Such propaganda months were, for example, organised in November 1938 and 1939.[1048]

In order to get people onto the national list, Jewish leaders also proposed expanding the powers of the cultural self-government. In August 1930, the Jewish Cultural Self-Government sent a memorandum to the Ministry of Education and Social Affairs proposing that only the Jewish Cultural Self-Government would have the right to decide whether a child could learn in a non-Jewish school, irrespective of whether the parents were registered with the Jewish national list.[1049] In essence, the application shows that in order to address a serious practical question, one measure was to expand the powers of the Jewish Self-Government beyond the existing powers granted by

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[1042] Helker Pflug, "Aspekte jüdischen Lebens in Estland bis 1940," in *Die Vergessenen Juden in den baltischen Staaten: ein Symposium vom 4. bis 7. Juli 1997 in Hannover*, ed. Ansgar Koschel and Helker Pflug (Köln: Verlag Wissenschaft und Politik, 1998), 56; Anna Verschik, "The Yiddish Language in Estonia: Past and Present," *Journal of Baltic Studies* 30, no. 2 (June 1, 1999): 121.

[1043] Verschik, "'Long Live the English College!,'" 43; Verschik, "Yiddish Language," 121.

[1044] Juudi II kultuurnõukogu koosoleku protokoll nr 5. 24 ja 25. 02.1931, ERA.40.1.6897, unpaginated.

[1045] Kultuuromavalitsuse 01.02.1928. Koosolek. Protokoll nr 7, ERA.40.1.6894, p. 299; Kultuurvalitsuse koosoleku protokoll nr 13, 17.05.1928, ERA.40.1.6895, unpaginated.

[1046] Kultuurvalitsuse protokoll nr 12, 14.12.1938, ERA.40.1.6914, unpaginated.

[1047] Juudi kultuurvalitsuse protokollid nr 14 (30.10.1933), 01 (03.01.1934) ja 02 (07.02.1934), ERA.40.1.6904, unpaginated.

[1048] Juudi kultuurnõukogu protokoll nr 09 (39) 02.10.1939, ERA.40.1.6913, unpaginated; Kultuurvalitsuse protokoll nr 7, 13.10.1938, ERA.40.1.6914, unpaginated; Kultuurvalitsuse protokoll nr 12, 14.12.1938, ERA.40.1.6914, unpaginated.

[1049] Juudi kultuurvalitsuse protokoll nr 17, 29.08.1930, ERA.40.1.6898, unpaginated.

the Law on Cultural Self-Government. As such, they proposed to expand their powers over the entirety of (at least all underage) Jewish citizens of Estonia. The ministry, however, rejected this proposal, arguing that it would contradict the freedom to declare one's ethnic belonging and the right to voluntary registration.[1050]

Available data helps to shed some light on how the number of Jews on the list evolved over time. When setting up the autonomy in 1926, there were 3,045 Jewish citizens. With a slight increase over time, this was the rough number of registered members of the national registry until the very end of autonomy. In autumn 1933, there were 2,420 adults and 736 underage individuals registered with the Jewish national list, which makes the overall number of registered individuals 3,156. This number remained unchanged until the summer of 1935. The state authorities argued that, during these years, registering had halted due to disarray in managing the Jewish Cultural Self-Government.[1051] The fact that, during these years, the general list was ill-managed is clear since it is very unlikely that there had been no changes; for instance, there were no deletions from the list due to death. This was likely due to not synchronising the central list with the lists of the curatoria. The curatoria collected taxes based on this data and thus updated the lists, but these changes were not included in the main list during this period. The number of registered Jews remained fairly stable and even grew a bit until the end of the autonomy. In spring 1940, a couple of months before the Soviet takeover, the number of enrolled Jews was 3,285.[1052]

Regarding the share of Jewish citizens registered with the national list, obviously, not all Jewish residents of Estonia were registered with the autonomy, since citizenship was the precondition. Thus, the overall number of Jews in Estonia was bigger than the ones registered. According to the census of 1934, the number of individuals belonging to the Jewish nationality was 4,434.[1053] There was a slight decrease in numbers compared with the census of 1922, when the number was 4,566.[1054] Compared with the census of 1922, however, there was a change regarding individuals who were declared to be of Judaic faith. While the number in 1922 was bigger (4,633) than the ones of Jewish nationality, it was the other way around in 1934: the number of individuals belonging to Jewish nationality was bigger than the ones who were of the Jewish faith (4,330).[1055]

1050 Smith and Hiden, *Ethnic Diversity*, 63.

1051 Revideerimisprotokoll, 30., 31.07. ja 01.,02.08,1935, ERA.40.1.6908, unpaginated; Rahvusnimekirja revideerimise protokoll, 16.11.1933, ERA.40.1.6903, unpaginated.

1052 Siseministeerium Valimiste Peakomiteele, 09.04.1940, ERA.84.1.2087, unpaginated.

1053 *Rahvastiku koostis ja korteriolud: 1. III 1934 rahvaloenduse andmed. Vihk II. Composition démographique de la population et logements: données du recensement de 1. III 1934. Vol. II*, II rahvaloendus Eestis, 2. vihk (Tallinn: Riigi Statistika Keskbüroo, 1935), 48; according to probably exaggerated assessment, the number of Jews in Estonia was 9000. See e.g. "Die jüdische Autonomie in Estland."

1054 *1922 a. üldrahvalugemise andmed: Résultats du recensement de 1922 pour toute la République. Tome II, Tableaux synoptiques. Vihk 2: Üleriikline kokkuvõte: tabelid*, Eesti riikline statistika (Tallinn: Riigi Statistika Keskbüroo, 1924), 65.

1055 *Rahvastiku koostis ja korteriolud*, 120–21 this number includes a small group (28 individuals) who declared themselves Karaites.

This, arguably, hints at a trend of secularisation. Regarding citizenship, by 1926, the registration number more or less corresponded to the number of citizens.[1056] In the following years, there was a slight growth in the number of Jewish citizens of Estonia, reaching 3,305 in 1935. The rest were either stateless or had citizenship of other, mostly neighbouring countries.[1057] Thus, comparing the number of Jewish citizens and Jews enrolled on the national list around 1935 allows us to conclude that almost all Estonian citizens who had declared themselves Jewish in the census had also enrolled in the national list. Only around 150 individuals—4.5 per cent of all Jewish citizens—were not registered, many of them likely due to the schooling issues discussed above. This demonstrates that the Jewish Cultural Self-Government encompassed and represented almost the entirety of the Jewish citizens of Estonia (roughly 95.5 per cent).

The minutes and registration data thus show that the policy in the Jewish autonomy in Estonia was mainly to encourage people to register, and to influence state institutions to expand the powers of the Jewish autonomy in the matter of adding people to the national list. Surprisingly, in these debates, the question of who was a Jew and who should thus be included in the autonomy, never arose, which hints to a fairly clear understanding of ethno-confessional belonging, probably traceable via matrilineal lines.[1058]

5. Finances

The economic situation of Jews in Estonia varied and some communities struggled financially, which meant that setting up tax-funded autonomy structures was challenging.[1059] For instance, in the mid-1920s, in the city of Narva, the majority of Jews lived in poverty. In other urban centres, in the capital city Tallinn, the economic situation was somewhat better.[1060] By comparison, the Germans, the main advocates of this kind of autonomy model, had a considerably better economic situation.

In summer 1925, when Estonian Jews convened and discussed setting up autonomy, the question of taxation generated scepticism by some delegates about establishing self-government in the first place. Some questioned the necessity of an additional structure alongside existing

[1056] Josef Katz, "Tallinna juutide kultuurielu 1918-1940 aastatel" (Diplomitöö, Tallinna Ülikool, 2002), 15.
[1057] American Jewish Committee, *The Jewish Communities of Nazi-Occupied Europe* (New York: H. Fertig, 1982), section on Estonia p. 5.
[1058] For a broader assessment see: Triin Tark, Timo Aava, and David J. Smith, "'One Size Fits All'? Challenges of Ethnic Categorisation When Implementing Non- Territorial Autonomy," *ENTAN Policy Paper*, no. No. 3 (October 2021).
[1059] For the economic profile see: Parming, "The Jewish Community and Inter-Ethnic Relations in Estonia, 1918-1940," 251–52.
[1060] Weiss-Wendt, *Murder Without Hatred*, 5–6.

religious communities and the additional tax burden it would bring. As a result, it could ultimately mean double taxation for Jews: mandatory for the autonomy budget and voluntary for the religious community budget.[1061] Taxation was also among the main concerns for the Russian community in Estonia, and thus for a long time did not apply for self-government. Mikhail Kurchinskii, the foremost campaigner for Russian cultural autonomy in interwar Estonia, and an expert on municipal finances, tried to convince Estonia's Russians and made detailed calculations to show that the burden would not be too heavy for the biggest minority group in Estonia.[1062] As the following section shows, in practicing Jewish self-government, these concerns were not unfounded, and finances were among the most challenging questions. Jewish congregations and self-government were different institutions and their budgets were not connected. Religious Jews who were members of the two bodies had to provide money for both. For the congregations, membership fees (*liikmemaks*) were one major source of income.[1063]

Two major sources of income for the Jewish Cultural Self-Government were the contributions from the ministry and municipalities and the taxes from enrolled individuals. The Jewish Cultural Self-Government set up a compulsory system of taxation. The tax sum for the self-government's budget depended on the income tax the individual had paid to the state budget in the previous year. The system of progressive taxation included 25 different tax levels.[1064] This taxation system was modelled after the taxation system of the German Cultural Self-Government, which had been implemented a year earlier.[1065] In case of no income or a change in income, individuals could also apply for tax reductions or tax exemptions. These applications were received on a running basis by local cultural curatoria, and ultimately the Cultural Council decided on these cases.[1066]

The Cultural Self-Government struggled with low cash flow from taxes.[1067] In the early days of autonomy, poor tax income made it complicated to cover the basic costs, such as the rent for schools.[1068] Due to the poor financial situation, schools struggled with paying the salaries of

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[1061] Z.-y., "Brief aus Estland."
[1062] Mikhail Kurchinskii, "Kul'turnaia avtonomiia," *Russkii svet*, February 17, 1929; Mikhail Kurchinskii, "Kul'turnaia avtonomiia," *Russkii svet*, February 24, 1929; Mikhail Kurchinskii, *Kul'turnaia avtonomiia: Zakony o kul'turnom samoupravlenii natsional'nykh men'shinstv, izdannye Pravitel'stvom Estonskoi respubliki v 1925 g* (Narva, 1930), 10–15; Smith, "Russian Question," 33–34; Smith, "Retracing Estonia's Russians," 462.
[1063] Tallinna Juudi Koguduse põhikiri, 1926, ERA.14.11.1023, p. 3; Tarju Juudi Usukoguduse põhikiri, 1926, ERA.14.11.1030, unpaginated.
[1064] E.V. Juudi rahwuse I kultuur-nõukogu teise korralise koosoleku protokoll, 17.-18.10.1926; ERA.40.1.6885, pp. 89-94; Juudi kultuur-omavalitsuse maksu määrus, ERA.40.1.6885; pp. 96-97; Juudi kultuur-omavalitsuse maksu kava, ERA.40.1.6885, p. 95.
[1065] Laurits, *Saksa Kultuuromavalitsus*, 78.
[1066] See e.g. Juudi Kultuurvalitsus Kohtu- ja Siseministeeriumile, 06.07.1931, ERA.40.1.6899, unpaginated.
[1067] Kultuurivalitsuse koosoleku protokoll nr 31. 27.06.1927, protokoll nr 36. 29.09.1927, ERA.40.1.6894. pp. 166, 191.
[1068] Juudi kultuurivalitsuse protokoll nr 36. 29.09.1927, ERA.40.1.6894, p. 191.

teachers.[1069] For the budget year 1927, the autonomy managed to raise only 68.6 per cent of the planned taxes.[1070] On the first of February 1939, in Tallinn, a little over half of the taxpayers were indebted to the Jewish Cultural Self-Government: 167 out of 320 individuals. The budget lacked roughly 3,000 *kroons* out of roughly 12,000 that was imposed on individuals.[1071]

In order to get an insight into how the financial aspects of the Self-Government functioned, it is worth zooming in on one budget year. In the budget year 1928–1929,[1072] the Jewish Cultural Self-Government managed to raise 24,004 *kroons* from taxes. A slightly larger sum, 38,573, was the result of subventions from the ministry and municipal governments. From these funds, a relatively small share, 3,095 *kroons,* were spent to maintaining autonomy structures, such as the costs of offices, printing, and office supplies. These costs were small, since the Jewish Cultural Self-Government had only one salaried position, the secretary (and in some years an additional assistant secretary), whereas all other positions were not remunerated. 38,573 *kroons,* the entire sum of subventions from the state and municipalities, went to Jewish public schools. 14,937 *kroons* went to Jewish private schools. Additional costs included funding the cultural curatoria, educational activities outside schools, libraries, lectures, transportation, and per diem renumerations for members of the Cultural Council, and preparing teachers for Jewish schools. In 1928–1929, the autonomy also managed to pay a small sum to the European Nationalities Congress. In other budget years, the Jewish Cultural Self-Government acquired income from donations from individuals and organisations, lotteries, and loans. Costs in other years included loan payments, pension contributions for teachers, stipends, subsidies for various cultural organisations, and also costs related to organising the elections to the Jewish Cultural Council. Setting up autonomy relied largely on loans: in the first meetings, the Cultural Government decided to borrow 75,000 *kroons* from the Tallinn Jewish Co-operative Bank (*Tallinna Juudi Ühispank*) to fund the initial activities of the Jewish Cultural Self-Government.[1073]

In collecting the tax money, the Jewish Cultural Self-Government relied on the help of other institutions. The taxation regulation of the Jewish Cultural Self-Government had stipulated that the police could collect unpaid taxes. This was indeed a measure that the Cultural Government considered.[1074] Ultimately, in summer 1938, the ministry decided that the city governments had to collect taxes for the Jewish Cultural Self-Government.[1075] The ministry justified this decision with

[1069] Juudi kultuurvalitsuse protokoll nr 5, 22.03.1931, ERA.40.1.6900, unpaginated.
[1070] Juuri kultuurvalitsuse rahaasjade aruanne 1927. aasta eest, ERA.40.1.6895, unpaginated.
[1071] Juudi Vähemusrahvuse Kultuurvalitsus Siseministeeriumile 03.02.1939, ERA.40.1.6914, unpaginated.
[1072] Juudi Kultuurvalitsuse aruanne 1.1.1928-1.04.1929, ERA.40.1.6899, unpaginated.
[1073] Juudi kultuurvalitsuse protokoll nr. 2, 06.07.1926, ERA.40.1.6885, pp. 19-20.
[1074] Juudi kultuurvalitsuse protokoll nr 7, 21.03.1933, ERA.40.1.6902, unpaginated.
[1075] Omavalitsuste Talitus Juudi Vähemusrahvuse Kultuurvalitsusele, 20.07.1938, ERA.40.1.6914, unpaginated.

administrative clarity, since also the German Cultural Self-Government was assisted by city governments in collecting taxes.

Due to differences between the Jewish and German minorities, the financial situation of their autonomies varied greatly. One aspect was the far greater size of the German minority, which meant a larger number of taxpayers from whose funds the German Cultural Self-Government could finance very similar institutional structures like the Jewish self-government. One of the major differences was that Baltic Germans had support from their kin-state too. Namely, the German *Auswärtiges Amt* regularly funded the German Cultural Self-Government in Estonia. Initially, their contribution was 100,000 Reichsmark per year, which later on rose to 120,000 Reichsmark per year. Scholars have assessed that roughly 34 to 40 per cent of the funds spent on German educational and cultural work in Estonia came from Germany.[1076] The situation of Jews in Estonia was different since, apart from minimal relief funds from the Joint Distribution Committee,[1077] there was no considerable cash flow from abroad. In a way, it was the other way around, since the Jewish Cultural Self-Government was interested in funding various Zionist organisations which had the ultimate goal of establishing a Jewish state. On many occasions the autonomy planned to allocate funds for various international Jewish organisations but ultimately, due to the lack of funds, did not transfer the money.

6. The language fight and the question of profound conflict within groups

When theoreticians in the Habsburg Empire and Russia proposed non-territorial autonomy, the main question was how to find a suitable modus vivendi between the nationalities and the state. It had been mainly the conflict between the nationalities and the potential collapse of the empire that triggered these projects. Thus, Bauer and Renner did not pay attention to how this model would deal with major conflicts within the nationalities when practicing autonomy, let alone the fact that they did not consider this form of autonomy for multilingual Jews. In the Jewish case, however, there was potential for major internal tensions between two opposing camps, the advocates of Yiddish or Hebrew as the uniting national language of the Jews. With this question, the Jews were different from other nationalities who were mobilised around one language.

In Russia, the chief advocates of Jewish autonomy had the goal of achieving equal citizen rights for Jews, as well as Jewish autonomy, and believed that modern Jewish self-government would help to end the dominance of the rabbis. Most of these activists were from circles who

[1076] Laurits, *Saksa Kultuuromavalitsus*, 79; Laurits, "Die deutschbaltische Minderheit," 75.
[1077] Weiss-Wendt, "Thanks to the Germans," 90.

advocated Yiddish as the national language of Jews and expected this to be the overarching consensus. When the Estonian parliament discussed the passing of a law on self-government, such internal questions and how these provisions would play out in practice were not addressed. The theoreticians and advocates did not address the question of potential profound intra-group conflicts, assuming that there would be an overarching consensus within the group regarding the fundamental issues or, from a liberal-democratic perspective, that the group itself would solve these.

In the interwar Estonian Jewish Cultural Council, the fight between the supporters of Yiddish and the supporters of Hebrew characterizes the entire existence of this institution. While this was a part of a much broader fight that many Jewish communities in interwar European states fought, in Estonia it had a different dimension due to the very fact that Jews had self-government. There is a major difference in whether this *Kulturkampf* was fought in newspapers and private associations or within an institution of public law encompassing almost the entirety of the local Jewry and which gave the majority the power to actually implement these policies with a state mandate.

This conflict had longer historical roots. Yiddish was the main language of the Jews of Russia—according to the census of 1897, 97 per cent of Jews declared it their native language.[1078] However, there were severe prejudices about the language. It was often considered a corrupt dialect of the German language and was associated with suppression, ghettos, and exile.[1079] Although Jewish intellectuals started promoting Yiddish as early as in the 1860s, the movement gained momentum only at the turn of the twentieth century. Fighting against traditional Jewish religious culture, the promoters of Yiddish argued that Yiddish was the language that unified the broader masses of Jews and should become the language of modern Jewish culture, to be used in schools, publications, and public life, and so they undertook various projects to promote this goal.[1080] The other camp, the Hebrewists, argued the same for the Hebrew language: the language of the rabbis and the Talmud should be the national language uniting Jews. These two camps fought for different languages and had different political agendas, but they also shared many aspects. Their emphasis on language-based identity and belonging had many parallels with ethnonational movements of other smaller nations in East Central Europe.[1081]

By 1917, the Jewish intelligentsia in Russia was deeply divided between the two camps. Furthermore, these two camps also began to be associated more strongly with opposing political

[1078] David E. Fishman, *The Rise of Modern Yiddish Culture* (Pittsburgh: University of Pittsburgh Press, 2005), 18.
[1079] Rabinovitch, *Jewish Rights*, 150; Zimmerman, *Poles, Jews, and the Politics of Nationality*, 210; Fishman, *The Rise of Modern Yiddish Culture*, 5–6.
[1080] Fishman, *The Rise of Modern Yiddish Culture*, 15–32; Frankel, *Prophecy and Politics*, 258–87.
[1081] Fishman, *The Rise of Modern Yiddish Culture*, 99.

spectrums, with Hebrewists supporting Zionist goals and the Yiddishists identifying themselves with Jewish socialism.[1082]

In the first half of the twentieth century, Yiddishists had been among the most vocal supporters of democracy and Jewish autonomy. In their agendas, they argued that these institutions would help spread and strengthen the Yiddish culture of the masses. In many cases, such as the short-lived experiments in Ukraine, Lithuania, and Latvia, various Zionist and Orthodox forces were successful in achieving greater support than the Yiddishists.[1083] In East Central Europe during and in the aftermath of the First World War, the Zionist movement transformed from being relatively marginal group to a mass movement.[1084] The same happened in Estonia as the Zionists dominated the autonomy structures and gradually strengthened their position.

One of the leading forces in the Estonian Jewish Cultural Council from its establishment was the Zionist-oriented National Block (Yid. *nationaler blok*; in later years, *blok far natsionale kultur un dertsiung*) which promoted the Hebrew language. The Zionist circles had broader backing from the voters: in the first Cultural Council, elected in 1926, 15 Zionists gained seats. Over time, they managed to increase their support. In the elections to the third Cultural Council in 1932, the Zionists made gains and achieved 75 per cent of the votes, winning 20 seats out of 27.[1085]

Already at the opening session of the Cultural Council they started implementing their policies, deciding that Hebrew would be the main language of instruction. They decided that the existing schools had to gradually switch to Hebrew, and new schools had to teach only in Hebrew.[1086] In the later years, due to counter-proposals by the advocates of Yiddish, they accepted parallel classes with instruction in Hebrew and Yiddish. The schooling programme, they argued, had to be in the Jewish national spirit.[1087]

Although the powers of the minority self-governments were limited to cultural affairs, the manner how the Zionist majority framed and conceptualised the institution of self-government went beyond these limits. The Zionist-oriented leaders of the self-government also gave this meaning for the very endeavour of practicing Jewish self-government by stressing the special status of Jews of Estonia. Since they had this autonomy arrangement, they had a special duty in front of the Jews of the world to use and preserve it. This duty, they stressed, was part of the broader project of establishing a Jewish state.[1088] Schooling, they argued, had to be in close connection with

[1082] Moss, *Jewish Renaissance in the Russian Revolution*, 29.
[1083] Karlip, *Tragedy of a Generation*, 10, 163, 306.
[1084] Rybak, *Everyday Zionism*.
[1085] Juudi III kultuurnõukogu koosoleku protokoll nr 1. 03.07.1932, ERA.40.1.6901, unpaginated.
[1086] Põldsam, "Juudi keeletülist Eestis," 226.
[1087] Natsionaal-bloki deklaratsioon, ERA.40.1.6896, unpaginated.
[1088] "Der gezets vegn kultureler zelbstfarvaltung," *Biuleten fun der idisher kultur-zelbstfarvaltung in esti*, no. 1 (1927): 2–3; Juudi II kultuurnõukogu koosoleku protokoll nr 6. 31.05.1931, ERA.40.1.6899, unpaginated.

the goal of establishing a Jewish homeland in Palestine.[1089] It also affected the pupils, as the ones attending the classes in Hebrew were mainly Zionists and participated in the activities of Zionist organisations.[1090] In essence, it was an example of Zionist-Hebrew nation-building efforts, part of the broader trend in East Central Europe in the era where Zionists paid particular attention to national education networks, schools, and kindergartens.[1091]

The Zionist orientation reflected also in the contact network of self-government. They collaborated with several renowned Zionist activists, such as Max Laserson, Jacob Robinson,[1092] Leo Motzkin,[1093] Zeev Jabotinsky,[1094] and Yitzhak Grünbaum,[1095] and invited them to Estonia to give talks but also to participate in their electoral campaign.[1096]

The supporters of Yiddish in turn attempted to promote the Yiddish language in all possible ways. They demanded full equality for both languages, recognising the private Yiddish school as a public school, and demanded broader cultural work outside schools.[1097] As the advocates of Yiddish were from the political left, in addition to demanding full secularisation and the Yiddishisation of schools, they also continuously stressed the importance of creating Jewish vocational schools by the Jewish autonomy.[1098] The camp of the advocates of Yiddish was broader. Although there were Zionist-minded advocates of Yiddish on the European Jewish political landscape of the era, the Estonian Yiddishists were strongly anti-Zionist. Some of the Yiddishists gravitated towards communist sympathies or were outright Soviet sympathisers. These pro-Soviet circles—for instance, Simon Perlmann and Moses Sachs—were closely connected with the Jewish cultural society "Licht," which was a hub of young Jewish communists in Estonia.[1099]

Although these were mainly inner-Jewish debates, the conflict between the Zionist-minded advocates of Hebrew and anti-Zionist supporters of Yiddish shows how a profound disagreement on fundamentals of the content of self-government had the potential to destabilise the self-government and discredit the very institution. This divide between the two camps in the Cultural

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1089 Natsionaal-bloki deklaratsioon, ERA.40.1.6896, unpaginated.
1090 Eugenia Gurin-Loov, *Tallinna Juudi Gümnaasium 1923-1940 (1941): ajalugu, mälestused, meenutused* (Tallinn: Ajakiri "Horisont," 1998), 49; Põldsam, "Juudi keeletülist Eestis," 230–31.
1091 Rybak, *Everyday Zionism*, 112–50, 292–96.
1092 Newspaper clippings, TLA.1387.1.7, p. 5; National Bloc's election meeting poster, ERA.2282.1.7, p. 12
1093 H, "Vortrag Dr. Leo Motzkin," *Revaler Bote*, January 6, 1928; "Dr. Leo Motzkin tuleb Eestisse," *Päevaleht*, May 26, 1928; "Tagasi Palestiinasse! Eesti vähemusrahvuste hea elu," *Postimees*, May 31, 1928; "Eesti eeskujuks kogu ilmale," *Esmaspäev*, May 30, 1928.
1094 Newspapaper clippings, TLA.1387.1.7, p. 97.
1095 Event poster, ERA.2282.2.15, p. 28.
1096 Other scholars have stressed weak contacts wih other Jewish communities. See: Garleff, "Die baltische Staaten und die Juden"; Berg, "The Peculiarities of Jewish Settlement in Estonia," 468.
1097 Juudi II kultuurnõukogu protokoll nr 1, 14.07.1929, ERA.40.1.6896, unpaginated.
1098 Juudi II kultuurnõukogu koosoleku protokoll nr 6. 31.05.1931, ERA.40.1.6899, unpaginated.
1099 Simon Perlmann, "'Likht' un kultur-avtonomie," in *Tsen yor "likht": almanakh arusgegebn tsum 10-yorikn yuvl fun kultur-gez. "likht". 10 aastat "Licht'i": juubeli-väljaanne J. K.S. "Licht'i"10-aastase tegevuse tähistamiseks*, ed. Simon Perlmann (Tallinn: Licht, 1937), 17–18.

Council often times spilt over to other channels, and at the peak of the disagreements, the socialist and Yiddishist minority even made public calls to abolish the Jewish autonomy. After the strong victory of the Zionists in 1932, the Yiddishist and socialist delegates fiercely attacked the Zionist leadership and the orientation of the self-government at Cultural Council meetings. They accused the Zionists turning the very self-government institution into the tool of the Zionist party, politicising schools and turning the self-government into an office of another state—Palestine. In essence, although they were a small minority in the Council, they demanded to be included in the Cultural Government and to implement their policies.[1100]

Because the Cultural Government was not willing to implement their demands, the Yiddishist-socialist faction decided to go public, and Afroim Rochlin (1886-1964) sent an ultimatum to Estonian newspapers. Their proposed solution was the following: "While being in principle the advocates of the cultural self-government of minorities, we are compelled to embark on the path of legal self-liquidation of the Jewish cultural autonomy, which has lost the character of a public law institution and has become a weapon of narrow Zionist policy."[1101] Clearly, since the socialists and Yiddishists were a small faction within the third Cultural Council, they had little power to influence the agenda of the Jewish cultural self-government, and certainly not enough to influence the Cultural Council to decide upon the "self-liquidation" of the Jewish autonomy in Estonia. After all, to dissolve an autonomy, the law (§15[b]) prescribed that there had to be two thirds in support.

The accusation that the autonomy had lost its nature of being an institution of public law and was turned into a party-political tool of Zionists was not shared by the Ministry of the Interior. Within the administrative supervision procedure, the topic was never raised. Thus, their threat had little basis, but it had the danger of bringing internal strife into the public eye and thus discrediting the entire Jewish autonomy—and perhaps, in the long run, threaten the existence of the autonomy. These tactics indeed bore fruit as one of the most influential newspapers, the *Postimees*, the mouthpiece of the National Centre Party (*Rahvuslik Keskerakond*), sided with the Yiddishists. An article in the newspaper criticised the autonomy on numerous points, such as the harsh language fight, stagnant cultural life, irresponsible use of finances, and thus a precarious financial situation, disorganised educational life, the use of the autonomy to advance personal interests, and the accusation that children graduating from Jewish schools did not properly know any language, not even their native language. The article suggested that there should still be education for Jews in their native language, but the autonomy institutions should be dissolved, and control over Jewish

[1100] Juudi III kultuurnõukogu koosoleku protokoll nr 1. 03.07.1932 ning Rochlini parandused, ERA.40.1.6901, unpaginated.
[1101] A Rochlin, "Juudi autonoomiat kasutatakse parteiliseks relwaks," *Postimees*, August 2, 1933.

schools should be given to the hands of the municipal governments and the state.[1102] This was an interesting instance of coalition-building. This right-leaning Estonian party surely did not share the leftist programme of the Yiddishists; actually, the head of the party, Jaan Tõnisson, had been the main opponent of the minority autonomies in the parliamentary debates. This moment was one of the peaks of the internal conflicts, and despite the desperate measures taken by the Yiddishists, it did not endanger the Jewish self-government. Had the political constellation been different, and Jaan Tõnisson head of the state government, it could have potentially led to attempts to dissolve the autonomy. After all, the accusations lobbed by the Yiddishists, that the activities of the Zionist majority had gone beyond the initial aim and powers of self-governments, were not unfounded.

These internal struggles between two profoundly disagreeing camps have many similarities with various other democratically elected assemblies such as parliaments or municipal councils. To practice democracy in these forms immediately brings up questions about the rules of the game within practicing democratic non-territorial minority self-governments. The authors of the law had such concerns in mind. In order to guarantee that minority self-governments would represent the broad spectrum of their respective minorities and to avoid that one faction would monopolise the institution of public law, they designed several preventive mechanisms.[1103] The Law on Cultural Self-Government stipulated that in order to establish a self-government, at least half of the registered citizens had to participate in the voting (§25) and at least two thirds of the elected delegates of the first Cultural Council had to be in favour of such a decision (§27). The authors of the law also expected that the self-governments would represent the group on a democratic basis and thus if less than half of the minority citizens registered with the autonomy (§15b), it would be automatically dissolved. In the same vein, support from two thirds of the members of the Council was needed to dissolve the self-government (§15b).[1104]

The calls by the advocates of Yiddish obviously went beyond the set rules. However, these discussions have some striking parallels with other experiments in Jewish autonomy and the politics within these institutions. Similar dilemmas emerged in Ukraine after passing the law on personal autonomy in 1918. In particular, there was a conflict between Jewish leftist and rightist parties and the broader question of whether the Jewish minority should accept the principle of majority rule within its institutions. While in the Rada and in the government leftist Jewish parties dominated, this was criticised by the right-wing camp, who saw it as a threat that state funds would be spent on anti-religion policies and the promotion of Yiddish in schools. Later, when the

[1102] "Kas juudi kultuurautonoomia likwideerimisele?," *Postimees*, February 18, 1933; "Juudi kultuurautonoomia likwideerimisele. Kultuurnõukogu fraktsioonid omawahel tülis," *Waba Maa*, July 2, 1932.
[1103] See reasoning in the explanatory note to the law Laurits, *Saksa Kultuuromavalitsus*, 276.
[1104] See also discussion in Kuzmany, *Vom Umgang mit nationaler Vielfalt*, chap. 8.3.

Provisional Assembly was dominated by the Zionists, leftist parties and, in particular, the Bund boycotted the institutions. More radical voices even called for abandoning parliamentarism and democracy. In spring 1919, in Belarus, the Bundist activist Esther Frumkin argued that the power should never be given to the bourgeois camp, and called for establishing autonomous Jewish organisations only for the proletariat.[1105]

7. Politics and the relationship with the state

As the earlier chapters analysed, the consensus in passing the law was that minority self-governments should deal only with cultural affairs, and political affairs would be for the state parliament. Analysing the work of the Jewish Cultural Self-Government shows that, in practicing autonomy, this principle was not always strictly followed.

The previous section showed how the Zionist leadership actually gave self-government a political meaning when they saw it as a part of a broader project of establishing a Jewish state. Also the Jewish socialists gave their participation in the autonomy project a political meaning when they stressed that they would use the institution to advance the class struggle: "We intentionally participated in the elections to the Jewish Cultural Council in order to take advantage of the only public Jewish body as an arena for the social and cultural struggle with the Jewish bourgeoisie."[1106] These are examples of meanings that different forces gave to the self-government. Although these were political claims, it would have been complicated for a liberal state to somehow interfere or limit such statements which were protected by the principle of freedom of speech.

However, political aspects were not only limited to discursive framing, but were also reflected in practical steps. One such a case is the representation of Estonian Jewry at the World Jewish Congress in 1936 in Geneva. A meeting of Estonian Jewish organisations decided that it should be the Jewish Cultural Council that elects the delegate of Estonian Jews since it was a legal and democratically elected representative organ representing all Jews of Estonia.

With an overwhelming majority, the Council decided to participate in the Congress and send Hirsch Aisenstadt to represent Estonian Jews. They argued that it was particularly important that the Council would send a representative so that "the only Jewish cultural self-government in the world would participate in the Congress."[1107] The president of the self-government, Aisenstadt, conceptualised his participation in Congress as the extension of autonomy in the Zionist

[1105] Frankel, "Dilemmas," 267–71; Abramson, *Prayer for the Government*, 72–77; Kuzmany, *Vom Umgang mit nationaler Vielfalt*, chap. 8.3.
[1106] Juudi III kultuurnõukogu koosoleku protokoll nr 1. 03.07.1932, ERA.40.1.6901, unpaginated.
[1107] Juudi IV kultuurnõukogu koosoleku protokoll nr 31 (1). 12.07.1936, ERA.40.1.6909, pp. 195-198.

project.[1108] Aisenstadt indeed participated in the Congress.[1109] With such a step, the Estonian Jewish Self-Government basically participated in an official capacity in a Zionist political meeting. Such steps were criticised by Yiddishist and socialist delegates who stressed that this would be participating in an organisation of one party. They raised similar questions in 1931 when the Cultural Government chose its candidate for the Jewish Agency for Palestine. Yiddishists considered it a Zionist party-political organisation, and official participation was in conflict with the very nature of the autonomy. With this step, they argued, the Jewish Cultural Self-Government would turn into a party-political tool.[1110] Furthermore, the Zionist majority occasionally budgeted payments for Zionist organisations. In 1937, the budget foresaw sending funds to World Jewish Congress and the Yiddishists again raised the issue.[1111]

Interestingly, the political aspects of these steps were never raised by the Ministry of the Interior, although these were quite clearly beyond the cultural tasks of the self-governments. These steps by Jewish actors and the state's response, however, show that although one of the goals of the model was to separate cultural and political affairs and leave only cultural affairs to nationalities, in reality, it is close to impossible to draw a neat border where culture ends and politics begins. Even if minority self-governments had powers only in the field of minority schools and cultural activities, in organising these affairs political aspects come into play. For instance, no matter which side would have been dominant in the Jewish self-government, in implementing either a Hewbrew or Yiddish educational agenda would have been automatically connected with the broader political agenda of one of those camps. Let alone the fact that the educational system has historically been a tool to prepare the workforce for the state apparatus but also to promote and reinforce national-political identities.

There were rare cases when the Ministry of the Interior interfered on the grounds that the Jewish autonomy had stepped outside its sphere of powers in cultural matters. One case was a decision taken by the Jewish Cultural Council in November 1929. Namely, the Cultural Government went through the list of Jewish candidates for the Tallinn City Council elections and agreed on which Jewish candidates would be at the top of the electoral list.[1112] After the Jewish Self-Government had forwarded the minutes of the respective meeting to Ministry of the Interior, it demanded the Jewish Cultural Government to "immediately withdraw from the preparations for the elections to the city council," arguing that organising elections to the city council was not

[1108] Juudi III kultuurnõukogu koosoleku protokoll nr 29 (11). 29.03.1936, ERA.40.1.6909, p. 9.
[1109] Juudi IV kultuurnõukogu koosoleku protokoll nr 2 (32). 23.08.1936, ERA.40.1.6909, pp. 208-209.
[1110] Juudi kultuurvalitsuse protokoll 10, 21.06.1931, ERA.40.1.6900, unpaginated.
[1111] Juudi IV kultuurnõukogu koosoleku protokoll nr 4 (34). 21.03.1937, ERA.40.1.6909, pp. 259-262. It must be added that not all such budgeted payments were actually paid out.
[1112] Juudi Kultuurvalitsuse protokoll nr 18, 26.11.1929, ERA.40.1.6896, unpaginated.

among the tasks of autonomies.[1113] This, however, is a rare example when the ministry, instead of mundanely approving the decisions taken by the Cultural Government or Council, ordered the decisions to be reversed.

While the above-mentioned case exemplifies a decision that was clearly outside the powers of the autonomies, a couple of disputes between the ministry and the Jewish Self-Government ended in court. One such case dealt with the decisions taken at the first meeting of the third Cultural Council in July 1932. In a heated atmosphere where the Yiddishist and Zionist delegates argued, the minutes had not been properly formulated, the delegates did not follow all the orderly procedures, and the new delegates to local cultural curatoria had not been elected correctly. The ministry turned to the administrative court, which ultimately overturned the decision of the Cultural Council.[1114] A further dispute that ended in court concerned the budget for the financial year 1933–34. The ministry noted many inconsistencies, and accused the Jewish Cultural Council of hiding its budget deficit behind various "incomes" that were, in reality, nonexistent. The court ruled that the budget was indeed incorrect, annulled the decision to adopt it, and asked the Jewish Cultural Government to present the ministry with a new one.[1115] When the ministry turned to the court it was following the procedures that the law had prescribed. Namely, the ministry was not an organ to which self-governments were subordinated, it only functioned as a monitoring-supervising body. Thus, in the spheres where minority self-governments had powers, the ministry could not just annul their decisions but rather turn to the courts, which had the power to annul legally incorrect decisions.[1116] Most of the communication with the supervising ministry was, however, of a technical nature.

These technical-administrative disputes were part of the broader process of implementing this new law with which all parties had very little experience. Putting these legal principles into practice was a learning process for all sides. Occasionally, the Jewish Cultural Self-Government turned to the ministry with specific questions about how to implement the law.[1117] Cases of turning to an administrative court (which is not an uncommon practice in public administration) should be seen in this light. These were not necessarily examples of hindering the work of the self-government, but rather attempts to bring legal clarity on how to interpret and implement certain paragraphs of the Law. A lack of experience and the fact that the law had not specified all the details was also something the Jewish Cultural Self-Government stressed in the legal dispute over

[1113] Kohtu- ja siseministeerium Juudi Kultuurvalitsusele, 05.12.1929, ERA.40.1.6896, unpaginated.
[1114] III kultuur-nõukogu I korralise istungi (03.07.1932) protokolli parandused, ERA.40.1.6901, unpaginated; Tallinna-Haapsalu Rahukogu eelotsus, 25.01.1933, ERA.40.1.6901, unpaginated.
[1115] Tallinna-Haasalu Rahukogu eelotsus, 19.10.1933, ERA.40.1.6903, unpaginated.
[1116] István Csekey, *Die Verfassungsentwicklung Estlands 1918-1928* (Tübingen: J. C. B. Mohr, 1928), 186–87.
[1117] Eg. Juudi Kultuuromavalitsus Siseministeeriumile, 27.05.1930, ERA.40.1.6898.

the 1932 July meeting analysed above. They stressed that the Law on Cultural Self-Government was only a framework law (*Rahmengesetz*) and left many specific questions open, such as the number of members of the respective Cultural Self-Governments.[1118]

In comparison with the Jewish autonomy, a stronger willingness and actual interference can be seen in the case of German Cultural Self-Government in 1933. Namely, after Hitler's rise to power, the National Socialists gained a majority on the board of the Baltic German Party in Estonia. This takeover of the party did not immediately affect the work of the German Cultural Self-Government, but several National Socialists were in the German Cultural Council, and the Estonian government perceived this spread of National Socialism as a potential threat to the state. This is why the Estonian government decided—largely as a warning sign to Germans—to disband the Council and organise new elections.[1119] Indeed, the looming threat of strengthened radical German politics that could undermine the stability of the state was one of the main reasons for such a step.

Assessing the experience of autonomy against the background of interethnic relations shows that, for the state and for the Jewish minority, autonomy was mutually beneficial. For the state, it helped to guarantee a certain satisfaction and loyalty among minorities and a certain control over their internal affairs. For the minority, it guaranteed control over their internal affairs, state funds, and symbolic power. Celebrating independence days represents this mutual interest well. On the occasion of Estonia celebrating the tenth anniversary of independence in 1928, the state sent official declarations to the autonomies. Namely, the Presidium of the *Riigikogu* circulated a declaration entitled "*Riigikogu*—to the People of Estonia." The address reiterated that the Independence Manifesto was addressed to all peoples of Estonia, that the state declared all nationalities equal and granted cultural autonomy. These documents were sent in the respective minority languages, even though none of them were official state languages. In the Jewish case, the address was sent both in Yiddish and Hebrew, thus demonstrating that the state respected both languages and did not see itself as the arbiter on internal language disputes.[1120] The Jewish Cultural Self-Government and the heads of Jewish cultural organisations, in turn, sent a joint call to the Jewish citizens of Tallinn emphasising their gratefulness for cultural autonomy: "This [granting cultural autonomy] is of great importance not only for the local Jewish minority but for the entire Jewish people, and that is why the Independence Day of the Republic of Estonia is a great celebration for the entire Jewish people." Jews were invited to participate in the celebrations,

[1118] Juudi Kultuurvalitsus Tallinna-Haapsalu Rahukogule, 14.11.1932, ERA.40.1.6901, unpaginated.
[1119] Laurits, *Saksa Kultuuromavalitsus*, 87–90; Garleff, "Zwischen Loyalität und Verweigerung," 299; Laurits, "Die deutschbaltische Minderheit," 101-104.
[1120] In Estonian: ERA.1107.1.44, pp. 1-2, in Yiddish: ERA.1107.1.44; 8-9; in Hebrew: ERA.1107.1.44, pp. 6-7; in German: ERA.1000.1.15, pp. 4-5; in Russian: ERA.957.7.118, pp. 17-18; in Swedish: ERA.957.7.118, pp. 19-20.

a joint gathering of Jews was planned to observe the military parade, a festive meeting was held at the Tallinn Jewish Gymnasium, and a special service was held at the Tallinn synagogue.[1121]

8. Self-government and anti-Semitism

Studies have argued that there was no strong anti-Semitism in interwar Estonia.[1122] Scholars have explained the lack of strong anti-Semitism with the small size of the Jewish community in Estonia, a lack of strong economic influence by Jews, and the pragmatic approach of Estonians.[1123] The historian Kari Alenius has shown that in the early 1920s, there was a generally sceptical attitude towards Jews in Estonian society and in the political elite, which was sometimes also reflected in policies, such as how Jewish non-citizens were treated. Despite that, the state took strong measures to suppress vocal anti-Semitic movements.[1124] In personal interviews collected by the Centropa project in the early 2000s, many of the Jews interviewed from Estonia recollected that apart from restrictions on a military career, there was no considerable anti-Semitism in Estonia. Furthermore, they often stressed various personal contacts with Estonians and remembered cultural autonomy in positive terms.[1125] While the overall level of anti-Semitism was low, occasionally some anti-Semitic publications appeared, but none of them managed to survive for a longer period of time. These publications repeated common anti-Semitic stereotypes, such as the Jews being greedy moneylenders and bankers, Marxists and communists, and untrustworthy and unmoral persons.[1126] In most of these publications, Jewish autonomy never emerged as a topic. A rare case when an anti-Semitic publication attacked Jewish autonomy was in 1929, when the author of a short article accused the Tallinn Jewish Gymnasium of allowing its building to be allegedly used to organise immoral parties, which was in the author's view a cause to revise the necessity of the "privilege" of Jewish autonomy.[1127]

While there was no legal discrimination against Jews, there was nevertheless suspicion and opposition against Jews in certain positions. Armies are usually the most conservative institutions, and also in Estonia, there were no Jews in the army staff.[1128] The same counts for higher offices in

[1121] ERA.1107.1.44, p. 5.
[1122] Kari Alenius, "Estonian Anti-Semitism in the Early 1920s," *Zeitschrift Für Ostmitteleuropa-Forschung* 54, no. 1 (2005): 36–55; Andres Kasekamp, *The Radical Right in Interwar Estonia* (Basingstoke: Macmillan, 2000), 73; Weiss-Wendt, *Murder Without Hatred*, 9–12; Weiss-Wendt, *On the Margins*, 76.
[1123] Weiss-Wendt, *On the Margins*, 76; Kasekamp, *Radical Right*, 174.
[1124] Alenius, "Estonian Anti-Semitism in the Early 1920s."
[1125] See testimonies by Avi Dobrysh, Heinrich Kurizkes, Bluma Lepiku, Siima Shkop and others in https://www.centropa.org/en [accessed 07.05.2022].
[1126] *Juudid*, nr 1-4, 1930; *Kes on juudid?*, nr 1-2, 1925-26; *Valvur,* nr 1-4, 1930, nr 5, 1932.
[1127] "Milleks kasutavad juudid kultuur-autonoomiat," *Kas meie või juudid?*, no. 5 (1929).
[1128] Igor Kopõtin, *Rahvuslus ja lojaalsus Eesti sõjaväes aastatel 1918-1940 vähemusrahvuste näitel*, Humanitaarteaduste dissertatsioonid 46 (Tallinn: Tallinna Ülikool, 2018), 324–32.

the public service—there were virtually no Jewish citizens in higher public offices.[1129] Furthermore, there was also occasional social anti-Semitism, such as not serving Jewish customers.[1130] In the turn of 1934–1935, the government's plans to reduce the overall study places at the universities triggered some Estonian students to propose the Ministry of Education to introduce a system where study places were allocated proportionally according to the number of the respective nationality in the state. They argued that this kind of numerus clausus system would help to hinder the trend where some minorities, in particular, Jews and Germans, were overrepresented in the student body.[1131] Despite such proposals, such a system was never implemented.

The most important radical right political movement in interwar Estonia, the Vaps (*Eesti Vabadussõjalaste Liit*, Estonian Veteran's League), did not express any anti-Semitism. Until Hitler seized power, their publications did even not mention Jews. Later, they occasionally expressed their disapproval of German anti-Jewish policies.[1132] This was quite different from an analogous but more extreme nationalist movement in Latvia. The ideology of the Latvian *Pērkonkrusts* (Thunder Cross), an ultranationalist fascist political organisation, was based on *völkisch* nationalism, and anti-Semitism was one of its central elements.[1133] The *Pērkonkrusts* movement was militantly anti-Semitic and called for discrimination against Jews, boycotting their businesses, and also physically attacking Jews on the streets.[1134]

The minutes of the Jewish autonomy institutions confirm a low level of anti-Semitism because the topic emerges rarely. In 1928, the Jewish Cultural Government decided to turn to Estonian newspapers due to the fact that in crime reports, the nationality of Jewish criminals was always stressed, whereas the nationality of non-Jewish criminals was never mentioned.[1135] Furthermore, occasionally the Cultural Self-Government and Cultural Council discussed the above-mentioned anti-Semitic publications and their counter-measures against them.[1136] In the spring of 1940, a delegation from the Jewish Cultural Self-Government visited Prime Minister Jüri Uluots and handed over a memorandum on anti-Semitism, where they asked Uluots to take measures against such publications and activities, in particular against the Estonian Nationalists'

[1129] Weiss-Wendt, *On the Margins*, 74, 97–98.
[1130] Antonia Nael and Anna Rubtsova, "Juudid ja vapsid," *Vikerkaar*, no. 6 (2019): 70–78.
[1131] *Päewaleht*, 19.12.1934.
[1132] Kasekamp, *Radical Right*, 73–74; Weiss-Wendt, *On the Margins*, 76.
[1133] Matthew Kott, "Latvia's Pērkonkrusts: Anti-German National Socialism in a Fascistogenic Milieu," *Fascism* 4, no. 2 (2015): 169–93.
[1134] Paula Antonella Oppermann, "Everyday Antisemitism in Interwar Latvia: Experiences and Expressions through the Lens of Oral History," *S: I.M.O.N. Shoah: Intervention. Methods. Documentation.* 8, no. 3 (December 10, 2021): 48–64.
[1135] Kultuurivalitsuse protokoll nr 22. 26.10.1928, ERA.40.1.6895, p. 310.
[1136] Kultuurivalitsuse koosoleku protokoll nr 16. 24.10.1929, ERA.40.1.6896, p. 444; Juudi II kultuurnõukogu koosoleku protokoll nr 2. 10.11.1929, ERA.40.1.6896, unpaginated; Juudi II kultuurnõukogu koosoleku protokoll nr 4. 29.06.1930, ERA.40.1.6897, unpaginated.

Club (*Eesti Rahvuslaste Klubi*).[1137] The latter was a conservative-nationalist organization bringing together like-minded thinkers and intellectuals. Established in 1931, it continued its work until 1940, also during the authoritarian years of Päts, as the circle had closer ties with him.[1138]

Political forces which criticised the liberal democratic order and called for a stronger nation-state advocated reforming Estonian minorities policy and subjugating autonomies to stricter control. At the beginning of 1934, in the journal of the Estonian Nationalists' Club, E. Jalak published an article calling for reform. Drawing on recent events, where the Baltic German Party and the Nationalist Socialist circles became dominant, he criticised the existing order where "the subtenants of Estonians feel more secure than the landlords, where minorities have more self-aware perspective than the masters." Simply put, Jalak attacked the "excessive autonomy (*liigautonoomia*, *kultuur-üliautonoomia*)." In order to prevent minorities growing into "foreign bodies" in the "organism of the nation-state," the autonomies had to be restricted and subjugated under stricter control by the state.[1139] The journal also occasionally criticised the economic landscape of Estonia, where Jewish businessmen and usurers were allegedly overrepresented compared with Estonians. To demonstrate it, they published lists of shops in some streets of Tallinn and the nationality of the owners.[1140] In 1936, the journal explicitly criticised Aisenstadt and his talk at the World Jewish Congress, where Aisenstadt had been very positive about Estonia and its minority autonomies. The article argued that Estonia had been indeed very tolerant towards minorities, but the minorities had not been good citizens. An embodiment of this was, according to the article, Aisenstadt himself, who had amassed wealth in Estonia and was the head of the Jewish autonomy but was not loyal enough to learn the Estonian language. The article generalised this to the Jews of Estonia: they were enjoying privileges and doing good business but were not good citizens.[1141]

Critiques towards minorities and minority autonomies were mainly addressed towards the Baltic Germans. The roots of this friction date back to earlier history because the Germans had been the historical political and economic elite unwilling to compromise with Estonian demands. Furthermore, attempts by Baltic German conservative elites to lobby with Germany and establish a Baltic Duchy in 1919, radical land reform, and Baltic German activism for compensation in the international arena further tarnished the relationships. In the memorandum of the Estonian

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1137 Kultuurvalitsuse protokoll nr 03, 25.04.1940, ERA.40.1.6916, unpaginated; Juudi kultuurvalitsus peaministrile, 16.04.1940, ERA.989.1.2810, pp. 1-2.

1138 Pin-Yu Paris Chen, "Race, Nation, and Eugenics in Interwar Estonian Radical Right Journal ERK Magazine" (Master's thesis, Tartu, University of Tartu & University College London, 2017), 6.

1139 E. Jalak, "Uusi tuuli vähemustepoliitikasse!," *ERK. Üld-, majandus- ja kultuuripoliitiline ajakiri*, no. 1 (Jaanuar 1934): 7–9; "Vähemustepoliitika revideerimisele," *Vaba Sõna*, November 2, 1934.

1140 *ERK. Üld-, majandus- ja kultuuripoliitiline ajakiri*, 1939, 4, pp.185-186; 1940, 2, pp. 71-73; 1940, 3, pp. 114-115.

1141 "Kellel on Eestis hea elada?," *ERK. Üld-, majandus- ja kultuuripoliitiline ajakiri*, no. 6 (1936): 135–36; It seems to be correct that Aisenstadt did not have a good working knowledge of Estonian, the state authorities also marked it, see: Revideerimisprotokoll, 30., 31.07. ja 01.,02.08,1935, ERA.40.1.6908, unpaginated.

Nationalists' Club to the State Elder of Estonia from February 1934, for example, the main group criticised were the Germans. This memorandum, largely triggered by the recent events with the German autonomy described above, argued that autonomies had not improved the relationship between Estonians and had not increased minorities' loyalty towards the state but instead had given a platform for German elements who were unfriendly towards the Estonian state. The memorandum did not call for the outright abolition of the autonomies but to rather implement severe restrictions and called on the state to place the autonomies under closer scrutiny. The memorandum spoke about minorities in general and Germans in particular and never mentioned Jews explicitly.[1142]

Largely in the winds of recent events with German autonomy, the publication even presented Jews as more loyal citizens because they had sent their congratulatory telegrams and visited the State Elder to celebrate the Estonian Independence Day, whereas the "Hitler-stunned" Germans had forgotten to do it.[1143] There was thus a common understanding in Estonian society that the Germans were less loyal citizens than the Jews. In the same vein, in 1928, 10 years of independence was celebrated in a small southern border town Valga. The local newspaper complimented that "sympathetic citizen Jews" participated in the celebrations, whereas other minorities were absent.[1144]

9. Conclusion

This chapter analysed the work of the Jewish Cultural Self-Government during the time period between its establishment in summer 1926 until the authoritarian coup by Päts in March 1934. Estonian Jews started to work to establish self-government soon after the respective law was passed. Since it was an institution of public law, it was required that all participating individuals were Estonian citizens. Although the citizenship question of Jews was largely solved by the time they embarked on the project of setting up autonomy, it was nevertheless a more challenging question for the more mobile Jewish community compared with the Germans. Despite this, the Jews successfully managed to mobilise their local community, achieved a high participation rate in elections, and successfully managed to encompass the vast majority of Estonian Jews in the register.

1142 "ERK-ide liidu märgukiri," *ERK. Üld-, majandus- ja kultuuripoliitiline ajakiri*, no. 2 (veebruar 1934): 44–45; Laurits, *Saksa Kultuuromavalitsus*, 85–86.
1143 *ERK. Üld-, majandus- ja kultuuripoliitiline ajakiri*, 1933, 4, p. 108.
1144 *Lõuna-Eesti*, 29.02.1928.

However, despite the high participation rate, during the existence of the Jewish Cultural Self-Government, there were individuals who deregistered in order to be able to send their children to non-Jewish schools. While individual deregistration did not necessarily or automatically endanger the autonomy, in the long run it had the potential to reduce the number of Jewish citizens below the required threshold of 3,000 to be eligible for autonomy.

Practical experience also brings attention to the 3,000-person threshold. One the one hand, since this threshold was set according to the number of Jews, it was favourable for them since it opened up the opportunity to set up the autonomy. On the other hand, it was very close to the actual number of Jewish citizens, which put the Jewish community in constant stress. Germans, for instance, had less pressure, as they only had to guarantee that the registration rate and participation in the elections were above the minimum requirement.

Furthermore, the registry played an important role by affecting the financial status of the self-government. Although the self-government received funds from the state and municipalities, tax contributions from the members formed an important share of the budget. Due to the fact that a large share of the members struggled with paying their taxes, the financial health of self-government was continuously in peril. The financial hardships were not only linked with the inability of some members to pay their taxes but show that it is much more challenging for a small group to practice self-government. With fewer people and their tax money, the group still had to preserve similar structures as other, bigger groups.

The broader aim of the model of non-territorial autonomy was to find a suitable relationship between the groups and the state. Since this was the chief goal, the possible effect of internal disputes on the autonomy structure was not considered when the autonomy law was discussed in the parliament. Within the Jewish Cultural Self-Government, the old conflict between Hebrew-supporting Zionist and the anti-Zionist Yiddishist camp emerged. While the Zionists were the dominant force and gained a majority, meaning they could implement their policies, the Yiddishists vocally opposed those. They accused the Zionists of turning the body of public law into a tool of one party and occasionally took public steps, calling for the abolition of the Jewish self-government. Although these steps did not endanger the self-government, they nevertheless caught wider attention in society and had the potential to discredit the institution. However, in designing the self-government, various mechanisms were introduced which helped to avoid that a small minority such as the Yiddishist camp could dictate the policies of the very institution.

At the same time, the critique of the Yiddishists that the Zionists went beyond the powers of self-government was not unfounded. Framing the very institution in the broader framework of the Zionist project, budgeting funds for Zionist organisations, and participating in Zionist

meetings in an official capacity were certainly not only cultural activities. However, although in the passing of the law it was decided that the self-governments had to deal exclusively with cultural affairs, the supervising ministry never interfered in such occasions. On the one hand, it demonstrates a certain disinterest of the state in these affairs but also shows that in practice, trying to separate politics and culture is close to impossible.

However, despite the challenges that emerged when the Jews of Estonia embarked on the experiment of practicing self-government, the autonomy arrangement worked and achieved its main goal, giving the minority the right to independently administer its cultural and educational affairs. Apart from the small faction of Yiddishist opposition, the existence of the self-government was never questioned. The Jews of Estonia continuously expressed their gratefulness for the opportunity to have a self-government and stressed its importance for Jews more broadly.

Chapter 8 Authoritarianism and Sovietisation[1145]

1. Introduction

Already in the years after the First World War, European states were reluctant to guarantee the protection of national minorities. When the wave of authoritarianism swept across Europe during the interwar period, authoritarian rulers were even less willing to defend minorities and, instead, resorted to discrimination or outright persecution. While the persecution of Jews and the Holocaust after the Nazi seizure of power is the most tragic example of this, several states introduced restrictions. Miklós Horthy of Hungary introduced anti-Semitic legislation, and Ioannis Metaxas of Greece introduced policies restricting the usage of the Macedonian language—to name only a few examples.[1146] In Lithuania, Jewish autonomy was abolished as early as 1925, already before the end of democracy.[1147] In neighbouring Latvia, the authoritarian strongman Karlis Ulmanis abolished schooling autonomy only a couple of months after the coup, in July 1934.[1148]

The democratic years of Estonia ended on March 12, 1934, when Konstantin Päts, assisted by the head of the military, Johan Laidoner, organised a coup. Like several other countries, Estonia was hit hard by the economic depression of 1929 and this destabilised political life. This gave rise to a new and increasingly popular political force, the Estonian War of Independence Veterans' League (*Eesti Vabadussõjalaste Liit*, popularly known as the Vaps movement).[1149] Their extensive constitutional amendment (sometimes labelled the second constitution) gained popular support and came into force in January 1934. Following this, the Vaps were likely to make big gains in the parliamentary and presidential elections planned for spring 1934. Päts justified his coup by arguing that he would save the state from the threat of fascism which this movement presented.[1150] However, in reality, his regime meant the end of the democratic era in Estonia and several restrictions on basic rights such as freedom of speech and participation in democratic politics.[1151] As one of the main instruments of the authoritarian regime, Päts declared a state of emergency (*kaitseseisukord*). Päts declared it on the day of the coup and kept prolonging it in the following

[1145] Some parts of the chapter are published in Aava, "Jewish Autonomy in Interwar Estonia and the Life Trajectories of Its Leaders."
[1146] Olena Palko and Samuel Foster, "Contested Minorities in the 'New Europe': National Identities in Interwar Eastern and Southeastern Europe," *National Identities* 23, no. 4 (2021): 309–12; Philipp Ther, *Die dunkle Seite der Nationalstaaten: "Ethnische Säuberungen" im modernen Europa* (Göttingen: Vandenhoeck & Ruprecht, 2011), 32–49.
[1147] Liekis, *State within a State?*, 105.
[1148] Smith and Hiden, *Ethnic Diversity*, 99.
[1149] See more: Kasekamp, *Radical Right*.
[1150] Andres Kasekamp, *A History of the Baltic States* (London: Palgrave, 2018), 109–10; Ago Pajur, *Konstantin Päts: poliitiline biograafia. II osa: Riigimees (1917-1956)* (Tartu: Rahvusarhiiv, 2018); Andres Kasekamp, "Fascism by Popular Initiative: The Rise and Fall of the Vaps Movement in Estonia," *Fascism* 4, no. 2 (November 23, 2015): 155–68.
[1151] See e.g. Pajur, *Konstantin Päts*, 452ff.

years until the Soviet occupation. It was a measure which enabled to restrict basic rights. In fact, this legal measure was used regionally already before the coup to fight against the communists and the Vaps movement. Päts applied the state of emergency in the entire state.[1152]

As this chapter demonstrates, Estonia fits the pattern according to which authoritarian rule also means increased restrictions on the ethnic minorities. Furthermore, Estonia fits in the broader trend where interwar nation-states were nationalising states, meaning that in many fields of life, the ethnic majority, the state-nation, strengthened its dominance.[1153] During the authoritarian years, these tendencies in Estonia gained a stronger momentum. At the same time, Estonia stands out against the broader background of authoritarian Europe since, despite restrictions, minority self-governments continued their work and were, to a certain extent, free to organise their internal affairs. Drawing largely on the research of David Smith and John Hiden,[1154] this chapter will look at what the authoritarian reconceptualization of self-government meant. In particular, the chapter explores the new role of self-governments in the corporatist state and the questions related to political representation in the new system in planning constitutional reforms and introducing a token parliament. Furthermore, the chapter will trace some practical implications of the authoritarian restrictions on the functioning of minority self-governments. Finally, the chapter will revisit the dissolution of two self-governments. The dissolution differed in the German and Jewish cases. While the German autonomy was dissolved at the turn of 1939/1940 due to the end of the German minority as a result of Hitler's "Heim ins Reich" policy, Jewish autonomy worked for another half a year, and even had a round of elections in that period, but was abolished with the annexation of Estonia by the Soviet Union.

2. The authoritarian reconceptualization of minority self-governments

In September 1934, after the authoritarian coup, Kaarel Eenpalu (1888-1942), one of the key figures in the new authoritarian system, explained the regime's vision regarding the minority self-governments: "The cultural self-governments of minorities will be organised in such a way that they do not appear to be alien bodies in the overall organisation of the state. They must be at the service of Estonia's national goals and the common fatherland." [1155] In this new vision, the minorities, while being able to autonomously administer their culture, had to work jointly with the

[1152] Peeter Kenkmann, "'Universaalne valitsemisvahend': kaitseseisukord Eesti Vabariigis aastatel 1938-1940," *Tuna. Ajalookultuuri ajakiri*, no. 1 (2018): 20–38.
[1153] Brubaker, *Nationalism Reframed.*
[1154] Smith and Hiden, *Ethnic Diversity*, 97–105.
[1155] *Riigikogu V koosseis: stenograafilised aruanded: V istungjärk: 123. koosolekust 28. septembril - 124. koosolekuni 2. oktoobril 1934* (Tallinn, 1934), 1474.

majority for the Estonian state. The new regime also stressed the importance of the Estonian language for the minorities.[1156]

One of Päts's undertakings was—after several years of an "era of silence" when the state parliament did not meet at all—to convene a special National Assembly (*Rahvuskogu*) to draft a new constitution for the authoritarian regime. This can be seen as a certain easement of the authoritarian regime, since it meant assembling a deliberative body, yet the elections and the work of the institution were far from proper democratic principles. The discussions in this assembly help to shed some light, continuing the thread of chapter six, on how politicians and the regime conceptualised minority rights. Some studies have argued that the discussions at the National Assembly sessions are not worth studying, since all the main issues had been decided beforehand by a small circle of people who, by the appointment of Päts, had already started to draft a constitution.[1157] New studies, however, have stressed that these discussions did have some effect on the final wording of the new constitution.[1158] While keeping in mind that it was not an ordinary democratic deliberative assembly, the statements made in this body help to understand how, in the framework of the authoritarian regime, the minority question was problematised and conceptualised.

In these discussions, abolishing or radically limiting the powers of self-governments was never proposed. Instead, the representatives of the regime emphasised that the existing policies and the system would not be changed.[1159] What was proposed was a semantic change. As seen earlier, the 1920 constitution spoke about the rights of minorities to establish "autonomous institutions (§21, *autonoomsed asutused*)," but in 1937/1938, the proposal and final version of the constitution spoke about "self-governing institutions (§20, *omavalitsuslikud asutused*)." This change was largely a continuation of the conceptual change analysed in chapter six. On the one hand, it registered the conceptual change that had taken place with the 1925 law, which did not use the word "autonomy" and only spoke about "self-government." Indeed, this change under the authoritarian regime was a further "conceptual restriction." Yet it was hardly a significant new restriction, as scholarship has concluded, but this correction in the new constitution was rather a continuation of a longer process of conceptual change.[1160] In the plenary discussions of the National Assembly, this change did not provoke much discussion. Only Mikhail Kurchinskii, a

[1156] *Riigikogu V koosseis*, 1474.
[1157] Peeter Kenkmann, "1937. aasta põhiseadus - autoritaarse režiimi 'reformimise' katse," *Tuna. Ajalookultuuri ajakiri*, no. 1 (2013): 84.
[1158] Liisi Veski, "Towards a Stronger National Unity: Organic-Statist Ideas in the 1930s Estonia" (PhD dissertation, Glasgow, University of Glasgow, 2021), 196.
[1159] *Rahvuskogu: Esimene Koda: stenograafilised aruanded: 19. veebruarist - 13. augustini 1937* (Tallinn, 1938), 102.
[1160] Laurits, *Saksa Kultuuromavalitsus*, 98–99; Smith and Hiden, *Ethnic Diversity*, 102.

Russian delegate, criticised this change, arguing that it could undermine the reputation of Estonia as a minority-friendly state.[1161]

The minority question was raised several times in the National Assembly, but from a different angle, reflecting the broader Estonianising spirit of the authoritarian regime. Namely, most of the discussion over the minorities' question revolved around topics such as the language question, the need for stronger Estonia-focused content in schools, and to a lesser extent, fears of irredentism. Delegates criticised the poor level of Estonian instruction in minority schools and the overall spirit in the schools which in their view was not pro-Estonian enough. It is important to stress that this criticism was not aimed only at the minorities who had established autonomy but mainly on the two historically dominant nations, the Russians and the Germans.

This spirit was expressed in Aleksander Veiderma's (1888-1972) speech which was supported by Eenpalu. Veiderma was one of the leading educators in Estonia and had served as the minister of education in the 1920s. In the National Assembly, he declared:

> Let our minority nations, therefore, refrain from all these outpost views. Let the Germans finally give up the story that the Baltic is "ein altes deutsches Kulturland," as it is propagated in the state schools in Germany. Let the Russians not take Alexander Nevsky,[1162] that militant symbol of Slavism invading the West, as the bearer of their educational spirit. It is high time that our minority nations, while preserving their language, should merge spiritually with the Estonian people. The Estonian state must be for them not only a homeland but much more a fatherland. These are the aims of my amendment: that the Estonian national spirit should prevail in schools.[1163]

This critique was likely triggered by the continuing spread of National Socialist ideas among some German circles. Chapter seven discussed how, in 1933, the Estonian government organised snap elections to the German Cultural Council as a prophylactic measure against National Socialism. The sympathies did not disappear entirely. After the authoritarian coup, there were German youth scout organisations in Estonia designed after the example of *Hitlerjugend* in Germany. In March 1937, the authoritarian regime suppressed these organisations by banning all national minority youth organisations.[1164]

The solutions proposed in the National Assembly can be described as Estonianising policies. Delegates agreed that Estonian should not be taught as a foreign language and that Estonia-related courses should be taught in Estonian. Ultimately, the new constitution stipulated

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[1161] *Rahvuskogu: Esimene Koda*, 44–45.
[1162] Here Veiderma referred to a Russian gymnasium whose patron was Aleksandr Nevsky.
[1163] *Rahvuskogu: Esimene Koda*, 285.
[1164] Laurits, *Saksa Kultuuromavalitsus*, 96.

that the language of instruction at minority schools would be Estonian and the minority language (§22). Furthermore, it stipulated that instruction at schools must be "in Estonian national spirit."

The idea was thus to forge some form of a broader state body, "a common family of the citizens of the state," encompassing not only Estonians but also Russians, Swedes, Germans, Latvians, and Jews. As Eenpalu stressed: "Minority nationality in the national family means that, by acquiring education and culture in their mother tongues, they must join the goals and common achievements of our national family."[1165] For this goal, minority languages and education had to be only the means for this higher aim. In a fresh study, Liisi Veski has demonstrated how Päts's understanding of the nation-state was inclusive, also encompassing minorities. However, it was hierarchical, putting Estonians as the titular nation at the top and expecting minorities to be loyal to and work for the regime.[1166]

Scholars have stressed several reasons why minority self-governments continued their work during the authoritarian era, the most common being Päts's own tolerant approach to minorities and his background as a member of the Orthodox Church. Another explanation is that these institutions fit into Päts's worldview not only in terms of an expression of his tolerance towards minorities but also in terms of his broader vision of a well-organised corporatist state. Scholars have shown that Päts had a long-term interest in corporatism. The roots of this thinking can be traced back to Francis Lieber's idea of an organic state consisting of self-governing bodies—the author whose main work Päts had translated into Estonian in 1908.[1167] Already in the early days of independent Estonian statehood, during the democratic era, he was one of the initiators of establishing the Chamber of Commerce and Industry and the Chamber of Agriculture.[1168]

During the authoritarian era, Päts was able to fully start implementing these ideas. Having taken power, his vision for the new state organisation was based on professional chambers and reorganised self-governments.[1169] Between 1934 and 1936, Päts established fifteen new corporatist chambers for different professions and social groups. Päts conceptualised these chambers as occupational self-governments.[1170] Thus, minority institutions which were already earlier conceptualised as self-governments fit into his understanding of a well-organised state where different segments were organised into chambers which in turn made up the state body. This meant that, in the authoritarian era, minority self-governments became part of this broader state

[1165] *Rahvuskogu: Esimene Koda*, 102.
[1166] Veski, "Towards Stronger National Unity," *Journal of Baltic Studies,* 13.
[1167] Kasekamp, "Corporatism and Authoritarianism," 258.
[1168] Kasekamp, 258–59; Veski, "Towards Stronger National Unity," *Journal of Baltic Studies*, 7.
[1169] Veski, "Towards Stronger National Unity," *Journal of Baltic Studies,* 7.
[1170] Kasekamp, "Corporatism and Authoritarianism," 262.

vision. This materialised in the representation of minority self-governments in the token parliaments of the authoritarian era, which are worth closer analysis.

The second chamber of the National Assembly, which was to draft a new constitution, consisted of representatives of several institutions (e.g., churches and universities), but a large share of them had to be the representatives of chambers. One seat was designed for the representative of a minority self-government. In the spirit of the corporatist state, one can see the underlying idea that all segments of society, including minorities, would be included in the process of drafting the new constitution. However, the law clarified that it was the German Cultural Self-Government that would elect a delegate.[1171] This was largely due to numerical and practical reasons: to design more seats for minorities would have given minorities larger representation than their overall share in the population, and out of the two existing minority self-governments, the Germans were a numerically stronger minority. Thus, the German Cultural Council appointed Hellmuth Weiss to fill this seat.[1172]

However, in the authoritarian reality, there was some fluidity and possibility to achieve goals directly via Päts, the authoritarian leader. This was the case with the Jewish Cultural Self-Government. Disappointed with not being included, they approached Päts. Ultimately, via personal negotiations, the Jewish Cultural Self-Government of Estonia achieved their inclusion, and Heinrich Gutkin (1879-1941), a business figure who had been active in Jewish self-government, was appointed to the National Assembly by Päts.[1173] This is striking, since the initial law foresaw only one seat to be filled by Germans.[1174]

Thus, the process of reconceptualising the state and introducing stronger Estonianising measures had two key implications. On the one hand, in the authoritarian years, minorities were numerically hierarchical, meaning that the Germans were to fill the seat based on their larger population. Yet this understanding was not rigid, and opportunities were present for the Jews as well. Surprisingly, thanks to being included, during the work of the National Assembly in authoritarian Estonia, the political status of the Jews as a group was higher than ever before or after. The Independence Manifesto was addressed to all peoples of Estonia, but Jews had not received a special national minister position that the three core minorities had gained. They had not managed to win a seat in the Constituent Assembly nor in the Estonian parliaments but were now included in the National Assembly that drafted the new constitution.

[1171] "Rahvuskogu moodustamise seadus," *Riigi Teataja*, no. 81 (July 10, 1936): 1762, 1764.
[1172] "Rahvuskogu Teise Koja valitud liikmete nimekiri," *Riigi Teataja Lisa*, no. 9 (January 20, 1937): 409; "Riigivanema käskkiri nr 3 26. jaanuaril 1937," *Riigi Teataja Lisa*, no. 10 (February 2, 1937): 481.
[1173] Juudi IV kultuurnõukogu koosoleku protokoll nr 3 (33). 29.11.1936, ERA.40.1.6909, p. 219; correspondence, December 1936-January 1937, ERA.40.1.6909, pp. 254-256.
[1174] "Rahvuskogu Teise Koja valitud liikmete nimekiri"; "Riigivanema käskkiri nr 3 26. jaanuaril 1937."

According to the new constitution, the 40 members of the second chamber of the new parliament, the State Council (*Riiginõukogu*), were elected by the corporatist chambers, local governments and some other sectors of the state, and some were members ex officio.[1175] One seat was again reserved for the representative of minority self-governments. The question of how exactly this seat should be filled was raised several times by the Jewish and German representatives of the National Assembly. They proposed that there should be at least two seats. The Jewish delegate Gutkin proposed that in case of one seat, it should be rotated between a German and a Jewish delegate.[1176] However, the final decision was that there would be only one seat, which should be filled by a joint committee of the two existing minority self-governments, but Germans had three, and the Jews had only two seats in the committee. As a result, when filling the seat was decided for the first time, it went to Germans, and the second time, the Jews did not participate in the meeting at all.[1177] As Werner Hasselblatt commented, it was a "one-man faction."[1178] The question of minority self-government seats in the State Council thus shows how the minority self-governments were integrated into the corporatist state model by granting them a seat in the second chamber, bringing together the representatives of chambers. However, this representation took place on numerical-hierarchical terms meaning that the Germans represented both institutionalised minorities.

3. Authoritarianism and the functioning of self-governments

During the authoritarian years of Päts, restriction and control over minority self-governments increased, but no hard-line nationalist policies were implemented, and both German and Jewish self-governments continued their existence. As already mentioned, a gradual departure from liberal minority politics had started earlier, but duyring Päts's authoritarian rule, further restrictions were introduced on minority self-governments. The authorities took minority self-governments under closer scrutiny, introduced new restrictions on minority languages and encouraged the Estonianisation of foreign-sounding names.[1179]

One tool of stronger control were the unannounced inspections (*revideerimine*) by state authorities. In July and August 1935, both the Jewish and the German self-governments were inspected by the officials of the Ministry of the Interior, with an aim to check if all the documentation was kept correctly and corresponded to the legal requirements, and to provide

[1175] Kasekamp, "Corporatism and Authoritarianism," 265.
[1176] *Rahvuskogu: Teine Koda: stenograafilised aruanded: 19.veebruarist - 13. augustini 1937* (Tallinn, 1938), 152, 225, 244, 256.
[1177] ERA.84.1.2085, pp. 1-2; ERA.84.1.2086, unpaginated.
[1178] Werner Hasselblatt, Erinnerungen, 1953, DSHI 140 Balt 488, p. 57.
[1179] Smith and Hiden, *Ethnic Diversity*, 93–97, 100–102.

instructions on how to eliminate the shortcomings. While the authorities did not have many complaints about the German self-government, they identified problems in the work of the Jewish cultural-self-government.[1180] The officials pointed to the ill-managed national list, ill-kept accounting, badly organised documentation, and the fact that some documents were in Yiddish instead of Estonian. They summarised that these problems were not intentional but caused by a lack of knowledge of bureaucratic procedures. The inspectors also pointed out that the head of Jewish Cultural Self-Government did not know Estonian, although they did not stress it as a problem that needed to be fixed.[1181] After the check, the ministry sent the Jewish Cultural Government a lengthy list of detailed instructions on how to correct the problems.[1182] A similar check was conducted in the Tartu Jewish Cultural Curatorium, where the main problem for the officials was that the the national list and accounting documents were kept in Yiddish, not in Estonian.[1183] A similar check was organised several years later, when the Second World War had already started, in May 1940, in the Narva Cultural Curatorium.[1184]

One of the outcomes of the Estonianising policies of the authoritarian era for the minority self-governments was more restrictive language policies and the promotion of the Estonian language. Until the authoritarian years, the official letterhead and the stamp of Jewish Cultural Self-Government were in three languages: Estonian, Yiddish, and Hebrew. In November 1935, the Ministry of the Interior instructed the Jewish Cultural Self-Government that multilingual letterheads and stamps violated the language law.[1185] From this time onwards, the letterheads and stamps of the Jewish Self-Government were only in Estonian. While these had been mainly symbolic elements, symbols, in this political context, had meaning. Arguably, these showed how the Jews of Estonia as a group had been recognised and integrated into the state apparatus and were empowered as a group respecting their languages. Furthermore, such symbols are important elements via which power relations are expressed and how power is practised.

A similar important semantic-symbolic change was renaming the self-governments. In the summer of 1935, the Ministry of the Interior introduced the new official name for the German Cultural Self-Government of the Republic of Estonia (*Eesti Vabariigi Saksa Kultuuromavalitsus*): the word "minority" was added to the name, changing it to Cultural Self-Government of the German

[1180] "Meie vähemusrahvuste asjaajamisse heideti pilku," *Uus Sõna*, August 16, 1935.
[1181] Revideerimisprotokoll, 30., 31.07. ja 01.,02.08,1935, ERA.40.1.6908, unpaginated.
[1182] Siseministeerium Juudi vähemusrahvuse kultuurvalitsusele, 16.08.1935, ERA.40.1.6908, unpaginated.
[1183] Protokoll Tartu juudi vähemusrahvuse kultuurhoolekogu revideerimisest, 18.09.1935, ERA.40.1.6908, unpaginated.
[1184] Siseministeerium Juudi Vähemusrahvuse Kultuuromavalitsusele, 22.05.1940; Revideerimisprotokoll, 18.05.1940, ERA.40.1.6916, unpaginated.
[1185] Omavalitsuste osakond Juudi vähemusrahvuse kultuurvalitsusele, 18.11.1935, ERA.40.1.6908, unpaginated.

Minority of the Republic of Estonia (*Eesti Vabariigi Saksa Vähemusrahvuse Kultuuromavalitsus*).[1186] In 1935, the Jews had to undergo a similar semantic change: the name Cultural Self-Government of the Jewish Minority of the Republic of Estonia was used instead of the old name, the Jewish Cultural Self-Government of the Republic of Estonia. This adjusrtment of the official names demonstrates the hierarchised relationshio in the authoritarian nationalising state and was in stark contrast with the previous, more liberal years. As analysed in chapter six, an Estonian state official, Eugen Maddison, argued that with its state-founding documents addressed to all nationalities and liberal autonomy arrangements, Estonia could also be seen as a nationalities state and not a pure form of the nation-state, and many minority activists such as Hasselblatt and Ammende concurred with such an idea. Although this thought experiment did not fully correspond with the practice, the renaming of the self-governments in the authoritarian era stressed the dominance of the Estonian majority, and the minority status of other ethnic groups.

The regime also introduced new restrictions on determining ethnic belonging after Päts's coup in March 1934. The overall aim of the new law in the authoritarian system was to restrict the free determination of ethnic belonging and encourage determining people as Estonians, in particular in cases of mixed identities. All people whose father or grandfather had been a member of a parish community (except for parishes where another nationality was in the majority) were automatically counted as Estonian. In mixed marriages, children were determined to be Estonians if the father was Estonian. Also, the future possibilities of determining ethnic belonging were restricted: once someone had been determined as Estonian, there was no option to change this. The new law also stipulated that the Ministry of the Interior was to issue documents of ethnic belonging.[1187] The outcome of this new legislation for Jewish autonomy was that all individuals who wanted to register with the Jewish list had to provide a document confirming that they belonged to the Jewish nationality issued by the Ministry of the Interior.[1188]

While the state implemented stricter, essentialising and Estonianising policies, minority self-governments also followed this trend. Already in the 1920s, Jewish autonomy leaders had advocated some form of automatic membership. Similar ideas re-emerged after the authoritarian turn in 1934. In April 1935, Meier Goldberg, a long-serving member of the Jewish Cultural Council from the National Block from the Võru-Petseri district, decided to send a memorandum to the Ministry of the Interior. His proposal was that those citizens who were registered with the Jewish religious communities (*kehilla*) would be declared Jewish and would be automatically registered

[1186] Laurits, *Saksa Kultuuromavalitsus*, 93.
[1187] Tark, *Rahvuskuuluvuse tähendus*, 139–47.
[1188] Kultuurvalitsuse protokoll nr 07, 11.06.1940, ERA.40.6916, unpaginated.

with the Jewish Cultural Self-Government.[1189] This proposal was similar to the initial proposals for compulsory registration put forward during the negotiations when drafting the law in the 1920s. In 1935, after Päts's coup, this kind of proposal can be seen as an attempt to address the practical problem that autonomy faced via reframing the liberal registration principle in the new authoritarian system, which had abandoned liberal and democratic principles. Meier Goldberg repeated this proposal in October 1938, but then Aisenstadt responded that such a measure was legally not possible and could not be implemented.[1190]

The example of the Jewish minority in Estonia internalising some authoritarian tendencies of the era is, however, only a mild example of how minorities were not isolated from the broader authoritarian and irredentist ideas of the era. The fact that some German groups gradually subscribed to irredentist claims and that the Nazi authorities instrumentalised the German minorities for their territorial and political claims is well known. The most well-known case from elsewhere in Europe is the Sudeten German Party in the second half of the 1930s.[1191] Also, some of the main authors of the liberal Estonian minority protection law, later on, turned their back on democracy. After Hitler's rise to power, Werner Hasselblatt became one of the advocates of the Nazi nationalities policy, although, by that time, he was not actively involved in the German Cultural Self-Government in Estonia anymore.[1192]

Another outcome of the authoritarian regime on minority self-governments was that the minutes submitted to the ministry were subjugated to stricter control. In the previous years, the core of the supervision procedure by the state was that the self-government had to send their minutes to the ministry, and in the supervision files, translations into Estonian are preserved. Under more strict supervision procedures during the authoritarian years, in addition to Estonian translations, the Yiddish versions of the minutes had to be sent to the ministry.[1193] Stricter language policy also appears to have influenced internal work and documentation. Local cultural curatoria were part of the autonomy structure, but, being subordinated to the Cultural Self-Government, their work was not under closer scrutiny by state authorities. Thus, in the 1920s and early 1930s, their internal documentation and minutes were in Yiddish.[1194] During the authoritarian years,

[1189] Juudi III kultuurnõukogu koosoleku protokoll nr 8. 07.04.1935, ERA.40.1.6907, unpaginated.
[1190] Juudi kultuurnõukogu protokoll nr 09 (39) 02.10.1938, ERA.40.1.6913, unpaginated.
[1191] Mulej, "Territorial and Non-Territorial."
[1192] Jörg Hackmann, "The Dilemma of Dual Loyalty, 27; Hackmann, "Werner Hasselblatt on Cultural Autonomy: A Forgotten Manuscript"; Jörg Hackmann, "Werner Hasselblatt. Von der estländischen Kulturautonomie zur natiolsozialistischen Bevölkerungspolitik," in *Deutschbalten, Weimarer Republik und Drittes Reich. 2.*, ed. Michael Garleff (Böhlau-Köln: Baltische Historische Kommission, 2008).
[1193] Omavalitsuste osakond Juudi vähemusrahvuse kultuurvalitsusele, 18.11.1935, ERA.40.1.6908, unpaginated.
[1194] Tartu Cultural Curatorium minutes until 1931, ERA.2273.1.1; Narva Curatorium minutes, 1926.1932, ERA.2278.1.6

however, they started to compile the minutes also in Estonian.[1195] Internal correspondence between Cultural Government in Tallinn and on-site cultural curatoria were unaffected by these restrictions and was still in Yiddish, although the Cultural Government started to issue more important declarations and circulatory letters to the curatoria in Estonian.[1196]

During the authoritarian years, the Jewish cultural self-government also experienced stricter control and censorship by state authorities. Starting from 1927, they published their own journal, entitled *The Bulletin for Jewish Cultural Self-Govenment in Estonia* (Yid. *Biuleten fun der idisher kultur-zelbstfarvaltung in Esti*). When, in November 1935, they decided to issue another number, it was more complicated as the ministry demanded a budget and the "motives" of issuing such a publication.[1197] Despite these more controlling measures, an issue of the *Bulletin* was nevertheless published in 1936.

4. Self-governments and politics

When the autonomy law was discussed in the parliament in the 1920s, the parties decided that the minority self-governments would deal exclusively with cultural affairs. The authoritarian era did not change this underlying principle, yet in the authoritarian corporatist state, minority self-governments had a redefined role which partially also touched upon political affairs. During the authoritarian era, democratic life was suspended, basic citizen rights were limited and the parliament did not convene until 1938. Even when the parliament re-convened in 1938, it did not mean the end of the authoritarian regime. The party system was abolished and, instead, one political mass organisation, the Patriotic League (*Isamaaliit*) was established.

In order to convene the National Assembly to draft a new constitution, in February 1936, the authorities created a referendum asking people if they agreed with the convocation of such a body. State authorities mobilised minority self-governments for this project. The Jewish Cultural Self-Government decided to issue special leaflets for Estonian Jewry and assemble a special meeting of all Jewish organisations in Estonia to explain the importance of the referendum and to encourage them to participate.[1198] This was part of a broader campaign that the authorities

[1195] Tartu Cultural Curatorium minutes from 1935, ERA.2273.1.2; Narva Curatorium minutes, 1935-1939, ERA.2278.1.7.
[1196] E.g. Kultuurvalitsus kõigile kultuurhoolekogudele ja koolidele, 16.03.1935, ERA.2278.1.13, unpaginated; Kultuurvalitsus kõikidele kultuurhoolekogudele ja koolidele, 23.03.1938, ERA.2273.1.7, unpaginated.
[1197] Juudi kultuurvalitsuse protokoll nr 12, 12.11.1935, ERA.40.1.6908, unpaginated; Siseministeerium Juudi Vähemusrahvuse Kultuurvalitsusele, 26.11.1935, ERA.40.1.6908, unpaginated.
[1198] Juudi kultuurvalitsuse protokoll nr 17, 06.02.1936, ERA.40.1.6908, unpaginated; *Uus Eesti*, 19.02.1936.

organised to mobilise the masses to participate in the referendum. For this, the authorities used various media outlets and organised thousands of political meetings.[1199]

This usage of minority self-governments in the constitution-making process raises the question of the initial principle of depriving minority self-governments of powers in purely political affairs. In connection with this campaign, minority self-governments themselves conceptualised the convocation of the assembly as a political project and their special role in it. In 1936, at a Jewish Cultural Council meeting, Hirsch Aisenstadt declared: "During the ten years of existence of cultural autonomy, the Cultural Government has actually been the political representative of the Jewish minority." He further stressed that "In connection with the changes in the Constitution, the Jewish Cultural Self-Government would bear even greater responsibility in political-state terms (*poliitilis-riiklikus mõttes*)" by being included in the National Assembly.[1200] This shows the ambivalent approach of the authoritarian regime towards Jewish autonomy: on the one hand, it meant more state control and restrictions but on the other hand, the Jewish self-government gained a new and at least symbolically higher position .

Despite various restrictions, minority self-governments did not undergo such a strong suspension of democracy. In the Jewish case, the Jewish Cultural Council, the democratically elected "parliament," continued its work, and elections with multiple lists were organised twice during the authoritarian era, in 1936 and in 1940. The composition and ideas discussed in the Council during these years are worth a closer look since they show the ambivalent outcome of the authoritarian era for minority self-governments.

Already during the democratic years, severe restrictions were introduced against communists. Since 1918, the communist party was banned because its aim was to violently replace the existing order with Soviet rule.[1201] In the Jewish Cultural Council, however, there was a communist presence. Some pro-communist delegates managed to win seats also during the authoritarian years. For instance, Simon Perlmann, a delegate elected in the list *Far idishe kultur un dertsieung* was an active member of the Council. In the discussions, he presented views that the state authorities could easily have categorised as Soviet propaganda. When the Jewish Cultural Council discussed sending an official delegate to participate in the World Jewish Congress in 1936, Simon Perlmann fiercely opposed, arguing that the Congress was a Zionist organisation. His own proposed solution was the following: "emigration [to Palestine] is doomed to fail, the only solution is Birobidzhan in Soviet Russia."[1202] However, such statements, which were clearly political and

[1199] Pajur, *Konstantin Päts*, 536.
[1200] Juudi III kultuurnõukogu koosoleku protokoll nr 29 (11). 29.03.1936, ERA.40.1.6909, pp. 8-12.
[1201] Mari-Leen Tammela, *Isikulooline perspektiiv Eestimaa Kommunistliku Partei ajaloos 1920–1940*, Dissertationes historiae Universitatis Tartuensis 45 (Tartu: Tartu Ülikooli Kirjastus, 2018), 133.
[1202] Juudi IV kultuurnõukogu koosoleku protokoll nr 31 (1). 12.07.1936, ERA.40.1.6909, pp. 195-198.

pro-Soviet, were never questioned by the Ministry of the Interior, which supervised the institutions and monitored all the minutes. Also, the continued official collaboration with international political Zionist organisations was never questioned by the authorities. Thus, the authoritarian regime was relatively flexible in the case of Jewish autonomy. The latter preserved considerable internal freedom in affairs which did not directly affect the state or the regime. At the same time, the Zionist delegates or the pro-Soviet delegates never explicitly criticised the authoritarian rule in Estonia, in case of which the state would have certainly intervened.

One reason why the authoritarian regime did not interfere much with internal Jewish affairs was possible sympathy for the dominant force in the Jewish Self-Government. Both Päts and Laidoner were supporters of Zionism. In the case of Päts, support for Zionism derived from his dislike of the left-leaning orientation of the Yiddishist activists.[1203] Thus, as the leftist pro-Yiddish circles were already a fairly small minority, he gave free hands for the Zionist majority, enabling them to further weaken the opposition.

The authoritarian era was thus ambivalent for the Jewish Self-Government. On the one hand, it meant numerous restrictions described above: stronger control by the state authorities, various policies which promoted Estonian culture, and limiting the powers of the self-governments. However, despite these restrictions on the minority self-governments, they continued their work and were never abolished.

Even the restricted form of minority self-governments during the authoritarian period gave a certain control over minority affairs to the minorities as opposed to the situation of these minorities who had no self-government. This was one of the reasons why the Russian minority now started reconsidering setting up their self-government. Hopes that self-government would give more control over educational affairs, and the fact that according to the new constitution, only minorities with a self-government could send their representative to the new bicameral parliament, triggered also the Russian minority in Estonia to present their autonomy application to the government in October 1937. This, however, was rejected by the government with the argument that they should wait for the new regulations and amendments of the minority self-government law based on the new constitution.[1204]In summer 1939, Mikhail Kurchinskii met state officials who confirmed that new regulations would be ready soon and this would have potentially

[1203] Michael Heltzer, "Eesti Vabariigi ja Palestiina juudi asunduse suhted kahe maailmasõja vahelisel ajal: aulaloeng 28. apr. 1993" (Tartu: Tartu Ülikool, 1993); Emanuel Nodel, "Life and Death of Estonian Jewry," in *Baltic History*, ed. Arvids Ziedonis, William L. Winter, and Mardi Valgemäe, Publications of the Association for the Advancement of Baltic Studies 5 (Columbus, Ohio: Association for the Advancement of Baltic Studies ; Ohio State University, 1974), 227–36; see also: Jüdische Rundschau, 21 May 1937.

[1204] Smith, "Retracing Estonia's Russians"; Smith and Hiden, *Ethnic Diversity*, 101–3; Uute kultuuromavalitsuste ellukutsumise edasilükkamise asjus, November 1937, ERA.31.3.479.

opened the door for self-government for Russians.[1205] Ultimately, the start of the Second World War and the Soviet occupation made these efforts futile.

5. The end of minority self-governments

Estonian minority self-governmentswere dissolved between 1939 and 1940 as a result of great power politics. Briefly before the outbreak of the Second World War, on August 23, 1939, Nazi Germany and the Soviet Union signed the secret protocol of the Molotov-Ribbentrop Pact, which designated Estonia to be in the Soviet sphere. A month after the pact, after an ultimatum by the Soviet Union, Estonia and the Soviet Union signed a pact of mutual assistance, according to which the Soviet military bases were created in Estonia with tens of thousands of Red Army soldiers. Since Estonia was designated to the Soviet sphere, starting from October 1939, Baltic Germans were resettled from Estonia, mainly to the newly acquired Polish territories of the Third Reich. In determining the Germans eligible for resettlement, membership in the German national list of the German Self-Government was used as the main criterion. Since the resettlement reduced the number of Germans in Estonia under the required threshold, the German Self-Government was dissolved on December 21, 1939.[1206] The Jewish Self-Government came to an end half a year later, in July 1940, as a result of the process of incorporating Estonia into the Soviet Union.

The quick end of Jewish self-government came with the Soviet occupation not only because the institutions of the Estonian state were destroyed as a part of the Sovietisation process, but also due to a strong ideological dislike of the non-territorial autonomy model in the Soviet system. State structures were redesigned after the Soviet example, where there was no place for non-teritorial national autonomies. By 1939, the Soviet Union had introduced a national-territorial structure of the state, yet ethnic belonging increasingly became the basis for persecution. In the historiography of the last couple of decades, including influential works by Terry Martin, Yuri Slezkine, Ronald G. Suny, Jeremy Smith, and others, there is an overarching consensus that with various policies and an ethno-territorial federal structure, in the 1920s the Soviet Union promoted the cultures of non-Russian nationalities.[1207] In the 1920s, the Soviet "affirmative action empire" encouraged nation-building among non-Russian nationalities. In these years, the leaders of the Soviet Union depicted the Russian Empire as a "prison of the nations" and designed their approach as an alternative to this previous era. They encouraged national languages in different functions, promoted job opportunities for people of different nationalities, promoted local pro-

[1205] Smith, "Russian Question," 42.
[1206] Ther, *Die dunkle Seite der Nationalstaaten*, 112–19; Laurits, *Saksa Kultuuromavalitsus*, 101–2.
[1207] Jeremy Smith, "Was There a Soviet Nationality Policy?," *Europe-Asia Studies* 71, no. 6 (July 3, 2019): 980.

Soviet national elites, and encouraged the cultural production of various peoples of the Soviet Union. One of the core issues in treating the nationalities in the Soviet Union was creating national territories: republics and autonomous oblasts.[1208] However, in the 1930s, the Soviet Union moved towards persecution on ethnic grounds among many other reasons for persecution. In the 1930s, the authorities rehabilitated the Russian nation and culture and stressed the role of Russian culture as the unifying factor for the entire Soviet Union. During these years, the earlier policy of *korenizatsiia* slowed down, and authorities organised ethnic cleansing of the "enemy nations" and diaspora nationalities.[1209] Roughly six hundred thousand Soviet Poles were killed in the 1930s. Thousands were killed being accused of spying for Finland, Latvia, and Estonia.[1210]

One of the core principles of structuring the Soviet empire was ethno-territorial units. In 1939, these mainly nationally-defined units included ten union republics, over twenty autonomous republics, nine autonomous oblasts and ten national okrugs.[1211] Regarding the Austro-Marxist non-territorial autonomy model, the principal ideologues of the Soviet Union, Lenin and Stalin, had a strong ideological dislike for it. Thus, no explicit non-territorial national-cultural autonomy institutions existed in the Soviet Union.

During the Sovietisation process, Estonian media was used to legitimise the new rule and explain the peculiarities of the Soviet Union. In the summer of 1940, several articles were published explaining the Soviet model of dealing with the national question, stressing the multi-ethnic nature and the ethno-territorial structure of the Soviet Union.[1212] Explicit attacks against the cultural autonomy model were published in Russian-language newspapers, mainly addressed to Estonia's Russians and Jews. A couple of days before the meeting, which liquidated the Jewish Cultural Self-Government, in the short-lived newspaper *Trudovoi Put'* (The Path of Labour), the organ of the Estonian Communist Party, an article appeared that attacked Estonian cultural autonomy. The article argued that Estonian cultural autonomy, which had its roots in pre-war Austrian social democracy, was a tool for the bourgeoisie to oppress minorities and the working class of the minority. It had been the bourgeois circles, the article continued, that controlled the autonomies and implemented reactionary policies and denied the development of mass culture. In order to discredit the institutions, the author of the article also argued that autonomy was a financial burden for the working class because the bourgeoise avoided paying taxes and thus the burden of financing

[1208] Martin, *Affirmative Action Empire*, 1–24.
[1209] Martin, 311–431.
[1210] Timothy Snyder, *Bloodlands: Europe Between Hitler and Stalin* (London: Vintage, 2015), 89–115.
[1211] Martin, *Affirmative Action Empire*, 446.
[1212] *Päewaleht*, 18.07.1940; *Postimees*, 18.07.1940; *Ühistegelised Uudised*, 30.08.1940, 13.09.1940; *Tartu Kommunist*, 21.10.1940, 22.10.1940, 23.10.1940, 24.10.1940; *Sakala*, 28.08.1940, 30.08.1940; *Nõukogude Õpetaja*, 06.06.1941, *Rahva Hääl,* 04.07.1940, 30.07.1940.

autonomy was on the shoulders of poor workers. The article summarised that minorities in Estonia had been politically, economically, and nationally oppressed both by the Estonian and by the minority bourgeoisie. Only the implementation of Stalin's new constitution was able to solve the problem.[1213]

With the help of local collaborators, the existing institutions of the Republic of Estonia were remodelled or abolished according to guidelines from Moscow, under the surveillance of the Red Army. For instance, in July 1940, new elections were organised for the parliament, but the non-Soviet candidates were excluded, and the parliament ultimately proclaimed the Estonian Soviet Socialist Republic and submitted an application to Moscow to join the Soviet Union. Was the same scheme used to abolish the Jewish Cultural Self-Government? At least theoretically, there would have been a possibility that the self-government would not be dissolved immediately but with sham elections turned into a body with a pro-Soviet majority which would be the centre of sovietising the Jewish life in Estonia. But the authorities decided to quickly dissolve self-government for two reasons. First, as discussed earlier, there was a strong ideological dislike for the non-territorial autonomy model. The second reason was the fact that the elections to the Council had already taken place before the Sovietisation had started, and it would have been more complicated to organise new elections.

Meticulous preparations for the elections to the fifth Jewish Cultural Council started months before the Sovietisation, in February 1940. The first meeting of the election preparation committee took place on April 3, 1940.[1214] This was a usual electoral campaign where multiple lists, leftist pro-Yiddish circles and Zionists ran for seats. As a coincidence, the elections to the last, the fifth Council, took place on June 16–17, 1940, exactly on the days when the Red Army occupied Estonia and only a few days before the formation of the new puppet government by the Soviet occupation authorities. The election results hardly reflect Sovietisation as numerous lists won seats, the Zionist national bloc being the most numerous. Several delegates who had been members of the previous councils were re-elected.[1215] Although some pro-Soviet delegates were elected, the Jewish Cultural Council is hardly comparable with the parliament elected in July, where only pro-Soviet candidates were able to run.

The final act of the Jewish Cultural Self-Government unfolded on July 28, 1940, when the fifth Cultural Council convened for the first and last time and decided to liquidate the Jewish Self-Government (Yid. *zelbstlikvidatsie*, Est. *eneselikvidatsioon*). This meeting was convened likely under

[1213] "O natsionalnykh men'shinstvakh," *Trudovoi Put'*, July 26, 1940.
[1214] E.V. Juudi vähemusrahvuse V. Kultuurnõukogu Valimiste Peakomitee protokollide kaust, ERA.40.1.6893.
[1215] E.V. Juudi vähemusrahvuse V-nda Kultuurnõukogu Valimiste Peakomitee protokoll nr. 10, ERA.40.1.6916, unpaginated.

the close surveillance of the new authorities, possibly even at gunpoint. Only eighteen members of the Cultural Council convened, far less than at usual Cultural Council meetings, but this was exactly the required minimum number of delegates in order to be able to dissolve the self-government according to the law (§15). The Zionist delegates were mostly absent. Afroim Rochlin was elected to preside over the meeting, and he opened it with a speech full of strong pro-Soviet rhetoric. After him, Simon Perlmann read out a declaration which proclaimed that Estonia had introduced cultural autonomy only to please Jewish bankers in the USA and England to get loans and that, in its nature, cultural autonomy had been a reactionary organisation of the enemies of the people dominated by the bourgeoisie. He further criticised the previous Zionist leadership of the autonomy suppressing the Yiddish and promoting the Hebrew language. He finally argued that in the new Estonian SSR, there would be no nationalist hatred, and thus, a "Jewish bourgeois self-government in the form of cultural autonomy" is redundant and harmful and must be liquidated. His motion was accepted univocally and followed by cries praising the Soviet rule: "Long live Stalin's wise nationalities policy!"[1216] In the summer of 1926, at the opening of the Jewish Cultural Self-Government, the Estonian anthem and "Hatikvah" were sung. In the summer of 1940, it concluded its work for good by singing "The Internationale."[1217] After the meeting, authorities formed a special liquidation committee, mostly consisting of the members of the Licht association.[1218] The committee concluded its work swiftly and in November 1940, handed the archive of the Jewish Cultural Self-Government over to the Central Archive of the Estonian SSR.[1219]

6. Conclusion

The chapter analysed how the authoritarian regime reconceptualised and restricted the work of minority self-governments. The authoritarian regime of Päts did introduce stronger limitations to the work of self-governments, but in contrast with other authoritarian regimes, the minority self-governments were preserved and continued their work. This reflects not only Päts's relative toleration towards minorities but also the fact that the self-government bodies fit well into his vision of a well-organised corporatist state. In reframing the minorities self-governments within the new state architecture, they gained a new role, being also included in the constitution-making

[1216] Juudi Vähemusrahvuse V-da Kultuurnõukogu I-se korralise istungi protokoll nr. 1 (43), 28.07.1940, ERA.40.1.6916, unpaginated.
[1217] "Samolikvidatsiia Evreiskogo Kul′turnogo Samoupravleniia," *Trudovoi Put′*, July 29, 1940.
[1218] Juudi vähemusrahvuse kultuurvalitsus siseministeeriumile, 29.97.1940, ERA.40.1.6916, unpaginated.
[1219] ENSV Riigi Keskarhiiv Juudi vähemusrahva kultuuromavalitsuse likvideerimiskomisjonile, 14.11.1940, ERA.1107.1.214, p. 1.

process and in the token parliament. In the Estonianising regime, minorities were, on the one hand, part of the broader state body, and, on the other, subjugated to the titular Estonian nation. This also meant several measures, such as a stronger focus on the Estonian language and Estonia-related themes at schools. A certain numerical hierarchy also describes the relationships between minority self-governments because, ultimately, the more numerical German Self-Government was able to send their delegate to the parliament of the authoritarian era.

Analysing the minority self-governments in the authoritarian era raises the question about the involvement of minority self-governments in political matters. Minority self-governments were included in the political process of drafting a new constitution, and amid this enterprise, self-governments conceptualised themselves as political representative of the group. This demonstrates the ambivalence of the authoritarianism on minority self-governments, meaning they were partially elevated to the status of being the political representative of the group while democratic life overall was severely restricted.

Ultimately, the Estonian experiment with minority self-governments ended as the result of the Second World War and the incorporation of Estonia into the Soviet Union. The German population was transferred to the new lands of the Reich, which ended their self-government in Estonia. Jewish Cultural Self-Government was abolished in the summer of 1940 because, in the Soviet state model, there was no place for non-territorial national autonomies.

Chapter 9 An Exemplary Model or Too Liberal an Experiment? Discussing the Universal Application of Non-Territorial Autonomy in Interwar Europe

1. Introduction

After the First World War, two seemingly conflicting principles—the principle of nationality in the form of nation-states and internationalism in the form of the League of Nations—constituted the cornerstones of the new international order in Europe.[1220] In a way, such a practical implementation of both of these principles was an unprecedented experiment in history. Never before had the map of Europe been divided into such a patchwork of nation-states and never before in history had there been such an experiment in bringing together so many states in a standing international organisation to promote peace and collaboration.

This new era was full of continuities and disruptions. The architects of new states invoked the principle of self-determination as the foundational principle of new states—an idea that had been intensively discussed in earlier years.[1221] Minorities invoked this principle, arguing that cultural autonomy within a state would be the realisation of their natural right to self-determination.[1222] Many minority actors argued that cultural autonomy was the suitable model to bridge the gap between the titular nation of the state and minority without proper legal instruments to defend their interests. As chapter five of this study demonstrated, minorities put forward this agenda at the Paris Peace Conference. However, the system of Minority Treaties and Minority Declarations left many minority activists disappointed. They were dissatisfied with the treaties system either due to the complicated petition procedure, limited measures of actually enforcing them, or due to the limited set of rights these provided.[1223] In the debates over minority rights and agency of the groups in the states and in the international arena, activists continued to advocate the non-territorial autonomy model to repair the system of treaties which they considered dysfunctional.

In general, these debates over the groups and their agency were part of a larger intellectual setting of the interwar era when thinkers and activists tried to conceptualise the new international order consisting of democratic nation-states, or to devise projects to rectify the perceived shortcomings of it. In this context, questions emerged, such as which entities could be a part of

[1220] Glenda Sluga, *Internationalism in the Age of Nationalism* (Philadelphia: University of Pennsylvania Press, 2013), 5.
[1221] Piirimäe, "Afterword."
[1222] A.[xel] V.[ries], "Um die Autonomie," *Revaler Bote*, July 12, 1922.
[1223] See e.g. Stefan Dyroff, "Der Platz der Völkerbundschwerde in den politischen Strategien nationaler Minderheiten. Positionen aus dem Kreis des 'Europäischen Nationalitätenkongresses,'" in *Politische Strategien nationaler Minderheiten in der Zwischenkriegszeit*, ed. Mathias Beer and Stefan Dyroff (Berlin-Boston: De Gruyter Oldenbourg, 2014), 27–56; Mazower, "Strange Triumph," 382–83; Robinson et al., *Were the Minorities Treaties a Failure?*, 247–65.

the international community.[1224] More specifically, often relying on the works of legal theorists from the late imperial period, thinkers and activists asked which entities had a legal personality and could act "on their own behalf" in the international arena, whether only states or also some other actors.[1225]

As already mentioned, cultural autonomy and non-territorial autonomy loomed large in these debates. By bringing together numerous examples, this chapter argues that the Estonian law often served as a model solution in the international debates over minority rights. Although there was a broad positive reception of the law, it was foremost the minority activists who actively propagated a broader application of this law to mend the shortcomings of the minority treaties system. Two actors should be emphasised in this regard: Baltic German circles, who had been involved in drafting the law and later propagated its application internationally, and the Estonian state which used the law to strengthen its positive image in the international arena. Although the role of Baltic Germans promoting this law in the European Nationalities Congress is analysed in several studies,[1226] the fact that Estonian authorities promoted themselves with the help of this law has so far found very little scholarly attention.

Furthermore, while literature has largely focused on the advocacy of non-territorial autonomy, this chapter aims to diversify the picture with more critical discussions over the model. The chapter will focus on a Sorb minority activist, Jan Skala, from Germany and minorities in the German state who were more critical about the model and instead, largely adhering to the position of Poland, advocated proper implementation of various existing intra-state minority protection mechanisms and the minority treaties. Moreover, these discussions also raise the question for which minorities the non-territorial autonomy model was suitable. For instance, the European Nationalities Congress, the most important minority organisation in Europe, had a narrow programmatic focus on this model which was suitable for its dominant minorities, and paid little attention to other models which would have been theoretically more suitable for other smaller groups. The chapter will also analyse how Kaarel Robert Pusta, an Estonian diplomat stressed the liberal nature of the Estonian law but at the same time was very critical of attempts to create an international minority protection system based on the non-territorial autonomy model. Through his activities, the chapter also sheds some light on a so far unknown international forum where this model and the Estonian law circulated as a blueprint: The Pan-European Union, which in

[1224] Sluga, *Internationalism in the Age of Nationalism*, 46.
[1225] Wheatley, "Spectral Legal Personality"; Khripachenko, "Beyond the Borders of the Fallen Empire"; Housden, *On Their Own Behalf*.
[1226] Housden, *On Their Own Behalf*; Smith and Hiden, *Ethnic Diversity*; Sabine Bamberger-Stemmann, *Der Europäische Nationalitätenkongress 1925-1938: Nationale Minderheiten zwischen Lobbyistentum und Grossmachtinteressen* (Marburg: Verlag Herder-Institut, 2001).

1932 proposed it as a minority protection mechanism in the future United States of Europe. Largely overlooked figures like Skala and Pusta, via their networks, agency, and criticism are good cases to help understand some of the aspects of the non-territorial autonomy model, which also made a large part of political elites sceptical of its wider implementation.

Both these critical and praising interpretations of non-territorial autonomy help us to better understand the nature of the model. For instance, they show that, for many minority activists, this model served as a useful tool to defend the interests of a minority in a nation-state by granting them control over their national-cultural affairs and the respective budget. These discussions also draw our attention to the question for which groups and in which setting this model could be suitable. Furthermore, these debates also show the instrumental aspect of the very model for various purposes, for instance for foreign policy.

2. A wave of acclaim

Passing the Law on Cultural Self-Government by the Estonian parliament on February 12, 1925, was almost immediately followed by broad international interest in and praise of this solution.[1227] Numerous actors either wrote about the Estonian law or advocated its wider application. The following part will analyse some examples of such broad positive reception: publicity in European media, the Austrian Social Democrats, scholarly accounts, Jewish minority rights activists, Estonian state publicity, and Baltic German advocates.

In early March 1925, the adoption of the law triggered the organ of the Austrian Social-Democratic Workers Party, the *Arbeiter-Zeitung* in Vienna, to revisit the theory of non-territorial autonomy.[1228] An article in the newspaper argued that the Austrian Social Democratic Party had, for the first time in history, in the works of Karl Renner and Otto Bauer, proposed a model of how different nationalities could peacefully live together in one state. The article argued that while the model was never implemented in imperial Austria, but "states disintegrate, ideas do not die." Now, in the new era, based on the Rennerian personality principle:

> Small, faraway Estonia may boast of having put in practice for the first time the programme which Austrian Social Democracy had conceived from 1899 until the war, developed in a whole body of literature, and defended in thousands of battles.[1229]

[1227] "Der Wiederhall im Auslande. Pressestimmen," *Revaler Bote: Sonderausgabe Autonomie-Nummer*, February 23, 1925.
[1228] "Die Fernwirkung einer Idee," *Arbeiter-Zeitung. Morgenblatt*, April 3, 1925.
[1229] "Die Fernwirkung einer Idee."

The contemporaries—the very circle from which the idea of non-territorial national autonomy had emerged a few decades ago—thus clearly saw the law as an example of the practical implementation of the theory of Renner and Bauer. The Austrian Social Democrats were keenly interested in showing their initial authorship of the theoretical foundations of the model and tried to demonstrate its novelty and innovativeness, although the party had never fully adopted the model in their programme. Arguably, stressing their role in devising this model was intended for their supporters in Austria, and served as an example to demonstrate the importance and continuing validity of their autonomy model and Social Democratic ideals more broadly. Another former Habsburgian, Oszkár Jászi, traced the underlying principle of the Estonian law back to the mid-nineteenth century ideas of Lajos Kossuth.[1230]

The article in the *Arbeiter Zeitung*—in line with many other similar accounts—did not believe that Estonia would remain the only country to implement this law. "Thus, the idea … continues to have an effect. And even if for the time being it is only small Estonia in which it has become a living reality, its effectiveness will not remain limited to it."[1231] The author suggested that in the chaos after the First World War, during which borders had been redrawn, the national question was still an acute issue, and a peaceful solution to it was to be found in democratic national autonomy.

The German Social Democrats in Czechoslovakia were also fascinated by the Estonian law, which they connected with Social Democratic theorists. Their newspaper *Volkswille*, published in Brünn/Brno, was surprised that the law, whose spiritual father was the Austrian Social Democrat Karl Renner, was implemented in Estonia and not in Czechoslovakia where the Brünn programme had been passed in 1899. The article also endorsed its broader application by suggesting that the Czechoslovakian Social Democracy should take the Estonian law as an example and imitate it in Czechoslovakia.[1232]

The Social Democrats in Europe are only one example of a wave of broad positive reception in the press. Several other specialist and general publications covered it. On the pages of *Glasul Minorităților*, the journal dedicated to the affairs of the Hungarian minority in Romania, the Estonian law was often discussed and brought up as a positive example.[1233] The Hungarian István (Stefan) Csekey, who had been professor of Law at the University of Tartu in Estonia since 1923, published an article in *Pester Lloyd*, a German published in Hungary, where he praised Estonia as

[1230] Oskar Jaszi, *Homage to Danubia* (Lanham-London: Rowman & Littlefield, 1995), 28; for Jaszi's conceptualisation of autonomy see: Adorjáni, "Interpreting Non-Territorial Autonomy in Late Habsburg Hungary."
[1231] "Die Fernwirkung einer Idee."
[1232] "Zur Nachahmung empfohlen," *Volkswille*, July 3, 1925.
[1233] E.g. "Grundzüge einer klugen Minderheiten-Politik. Die Erklärung von Ghiță Pop," *Glasul Minorităților*, no. 10 (1934): 231–32.

the "Musterland der Minderheitenrechte."[1234] Ellington Wright wrote in *The Times* that the law deserved "grateful recognition of all who understand the difficulties and dangers presented by the minority problem," and asked: "Is it too much to hope that other Governments faced with kindred problems will see their way to follow the Estonian example?"[1235]

These panegyrics reached an apex at the beginning of 1928, when a correspondent of the influential *Berliner Tageblatt*, C. Z. Klötzel, travelled through the Baltic states and published his account in the newspaper.[1236] He described Estonia as a "paradise of minorities" and the law as close to ideal and exemplary for the rest of Europe. He quoted the answer that the secretary of the German Cultural Government Johannes Beermann had allegedly given to his question regarding whether the German minority had any further wishes regarding the legislation: "The minorities in Estonia have no more desires. They are sated." Both German- and Estonian-language newspapers were enthusiastic to report on this positive assessment, although the Germans added that the overall legal framework and the relatively broad *Rahmengesetz* needed further development.[1237]

In postwar Europe, the minority question remained a crucial political and legal question and an important topic for researchers. Numerous legal scholar dealing with minority rights in one way or another touched upon the collective rights model and the Estonian example. Thus, in addition to journalistic accounts, numerous academic studies and doctoral dissertations on the Estonian law were published.[1238] Some of them had a normative agenda of proposing a broader application of the model.[1239] Some of these academic accounts treated the Estonian law as among the most progressive in interwar Europe,[1240] arguing that the law was "a brilliant success" and that cultural autonomy model "is thus probably the most suitable form for those minorities which are strong enough to avail themselves of it with profit."[1241] Hans Gerber from the University of Marburg concluded his extensive study into the cultural autonomy model and its application in Estonia by stressing its importance in interwar Europe. He argued that state borders were not congruent with ethnic borders and it would be impossible to change that entirely, and so referred to the cultural autonomy model to help overcome this problem.[1242] Also, Rudolf Laun, Professor at the University of Hamburg, who had advocated the non-territorial autonomy model in 1919

1234 Stefan v. Csekey, "Ein Musterland der Minderheitenrechte," *Pester Lloyd. Morgenblatt*, March 28, 1929.
1235 C.E. Ellington Wright, "German Minority in Estonia," *The Times*, October 1, 1926 The same text was published in *New Statesman* and *Spectator* (both on 02.10.1926).
1236 Klötzel, "Das Paradies der Minderheiten," *Berliner Tageblatt*, January 7, 1928.
1237 "Wähemusrahwuste paradiis," *Postimees*, January 11, 1928; "Wähemusrahwaste paradiis," *Kaja*, January 10, 1928; "Wähemusrahwaste paradiis," *Päewaleht*, January 10, 1928; "Unsere Kulturselbstverwaltung," *Revaler Bote*, January 11, 1928.
1238 E.g. Villecourt, *La protection des minorités*; Poll, "Das Kulturautonomiegesetz."
1239 See e.g. Cohn, "Nationale Minderheiten," 83–84.
1240 Otto Junghann, *National Minorities in Europe* (Covici, Friede, 1932).
1241 Macartney, *National states and national minorities*, 408, 469.
1242 Gerber, *Kulturautonomie als Eigenart*, 99.

and whose influence on the Baltic German autonomy campaign is analysed in chapter six, touched upon the Estonian law in his extensive 1933 study published by the Catalan Institució Patxot on how the transformation of the idea of state and people had influenced international and constitutional law. Laun argued that the Estonian law, which gave minorities considerably more rights compared with what the minority treaties demanded, was the most advanced minority protection system in Europe. What the Estonian system lacked in Laun's opinion was the right of self-determination in the form of full secession, but this would have had, in his opinion, no practical importance.[1243]

The Estonian state used this broad positive perception to strengthen its positive image in the international arena, although hardly advocating a broader application of non-territorial autonomy. By the time of passing the law in February 1925, Baltic German noblemen whose land property had been nationalised by Estonian and Latvian governments led an intensive campaign on the international arena. They were represented by Alphons Heyking, who drafted petitions to the League of Nations to ask for compensation for nationalised property and framed the land reform as an attack on the German minority. Such a campaign damaged the international reputation of Estonia.[1244] Thus, the freshly passed Law on Self-Government, praised by minorities, was a useful instrument to improve the image of the state in a context where minority rights was an intensively discussed topic.

One way to do it was circulating the very law. The Estonian government provided the League of Nations—one of the main fora to discuss minority rights—with a translation of the law[1245] for publication in their *Official Journal* in French and English.[1246] These initiatives by Estonia were coupled with broad interest in it. In fact, it was Erik Colban, the director of League's Minorities Section, who asked Kaarel Robert Pusta, a leading Estonian diplomat, to send a translation of the law to give it broader publicity in the League's publications.[1247] A number of translations appeared in various other international outlets, but not necessarily as a result of efforts by the Estonian government.[1248] Numerous journalists, scholars, and international organisations demonstrated their keen interest in the law by contacting various state agencies or Estonian

[1243] Laun, *Der Wandel der Ideen*, 310.
[1244] Vahur Made, *Külalisena maailmapoliitikas: Eesti ja Rahvasteliit 1919-1946* (Tartu: Tartu Ülikooli Kirjastus, 1999), 148–69; Klaus Richter, "'An Orgy of Licence?' Democracy and Property Redistribution in Poland and the Baltics in Their International Context, 1918–1926," *Nationalities Papers* 46, no. 5 (September 2018): 791–808.
[1245] Pusta, to Eric Drummond, 28.02.1925, ERA.957.12.769, p. 2.
[1246] "Loi sur l'autonomie culturelle des minorités en Esthonie," *Société des nations. Journal officiel*, no. 6 (1925): 788–91; "Law on the Cultural Autonomy of Racial Minorities in Esthonia."
[1247] Minute sheet, April 1925, League of Nations Archivea (LONA), R1665/41/42665/15754, unpaginated
[1248] E.g. "Loi sur l'autonomie culturelle des minorités en Esthonie," *Annuaire de législation étrangère*, no. 2 (1926): 487–93; "Das Gesetz über die Kultur-Selbstverwaltung der völkischen Minderheiten in Estland."

minorities to acquire a copy of the law, and the agencies provided it.[1249]

The Estonian state also informed wider circles about the legislation by preparing and circulating informative texts and articles. The Estonian government commissioned a general overview pamphlet from Eugen Maddison, which was printed in 2,000 copies in the German language.[1250] Furthermore, the government prepared additional informative articles on the matter. These articles stressed that there was no nationalist hatred in Estonia, as well as the innovative character of the law.[1251] These materials were sent to foreign journals and Estonian diplomatic representations in England, Finland, Sweden, Latvia, Lithuania, Poland, France, Italy, Germany, and Austria.[1252] The diplomats also informed wider circles about the law by engaging in public debates. For instance, in 1926 the United Jewish Campaign of New York attempted to raise funds for Jews who were experiencing hardships in certain European states, including Estonia. In April 1926, *The New York Times* published a letter sent by the *Chargé d'Affaires* of Estonia in Washington, Colonel Victor Mutt, countering such a categorisation as a problematic state. In his letter, the diplomat emphasised that Estonia was the first country to introduce a liberal cultural autonomy law for minorities.[1253]

Another significant group that saw the Estonian law positively and advocated for it more broadly were Jewish thinkers and minority rights activists who had also been among the most important propagators of the model in late tsarist Russia. Many Jewish intellectuals in East Central Europe were well informed about the Estonian minority protection system.[1254] In a matter of a couple of years after passing the law, it had become a very well-known model law. In 1928, in the *Encyclopaedia Judaica* published in Berlin, Simon Dubnow, Nachum Goldmann, and Jacob Robinson argued that in Estonia the idea of autonomy had been implemented most consistently. In terms of how the autonomy operated, it was an example for other states.[1255] Thus, it had become

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[1249] See e.g. Bureau of Jewish Social Research in NYC to Estonian Consulate, 18.05.1926; Estonian Consulate's response, 23.06.1925, ERA.1608.1.302, pp. 19-22; Interparliamentary Union to the Estonian parliament, 06.03.1925, ERA.80.7.4, p. 45; Deutsche Liga Für Völkerbund and Deutsches Ausland-Institut to German Cultural Government, December 1925, ERA.85.1.321; A. Tamm to Interparliamentary Union, 28.04.1925, ERA.80.7.4, pp. 40-44.

[1250] Die nationalen Minderheiten Estlands und ihre Rechte, manuscript by Eugen Maddison, ERA.48.1.13, pp. 105-153; Maddison, *Die nationalen Minderheiten.*

[1251] Die Minoritätenfrage in Estland [1925], ERA.48.1.13, pp. 154-157; Ühest huvitavast kultuurküsimusest (vähemusrahvuste koolikorraldus Eestis), Eine interessante Kulturfrage (Das wesen der nationalen Minderheiten Estlands), ERA.48.1.13, pp. 159-161, pp. 162-165.

[1252] Portfellita ministri kantselei lauajuhend, 1925, ERA.48.1.18, pp. 25-38; Laura Toomlaid, "Eesti välispropaganda sünniaastad" (Bachelor's thesis, Tartu, Tartu Ülikool, 2019), 41.

[1253] The letter was published as a response to a previous campaign advertisement of the United Jewish Campaign of New York which attempted to raise funds for Jews who were suffering in certain states, and which had listed Estonia among these states V. Mutt, "Equal Rights in Estonia. Cultural Autonomy Granted to All Minor Nationalities," *The New York Times*, April 25, 1926.

[1254] See e.g. Linde's discussion with Alter Kacyzne Bernhard Linde, *Loova Kesk-Euroopa poole: kirjanduslikke ja teatrilisi reisimuljeid Lätist, Poolast, Tšehhoslovakkiast ja Ungarist* (Tartu: Noor-Eesti, 1930), 168.

[1255] Simon Dubnow et al., "Autonomie," in *Encyclopaedia Judaica. Das Judentum in Geschichte und Gegenwart*, vol. III (Berlin: Eschkol A.G, 1928), 762.

such a widely accepted and acclaimed model that it earned this honourable mention in a standard work dedicated to Jewish history and culture. In the early thirties, the Latvian Jewish lawyer and parliamentarian Max Laserson analysed the minority protection systems in all three Baltic states and argued that they blurred the clear distinctions between nation-state and state of nationalities in its current form. National autonomies in the Baltic states had, in Laserson's view, established equal rights and contributed to the understanding of the state and nation, majority and minority.[1256] At the end of the Second World War, some scholars and activists like Oscar Janowsky even proposed the Estonian law as a "guideline in the reconstruction of east-central Europe."[1257] Indeed, non-territorial autonomy and the Estonian example did not entirely lose its appeal after the Second World War. Those advocates who fought for Jewish autonomy during the interwar years also show that the common narrative that group rights fell out of fashion—discredited because of the Holocaust—is not entirely correct. In 1971, Jacob Robinson, a minority rights activist in the interwar period and an early Holocaust scholar in the postwar years, argued that the core dilemma of different national groups living together in one state had not disappeared. He stressed that "[s]olutions on a constitutional basis have been found." He referred to the Estonian interwar law as the solution and stressed that the Austrian model was re-emerging in the form of the establishment of Cultural Councils in Belgium. Robinson concluded: "Ideas do not die; they revive in the least expected places."[1258]

Baltic Germans were among the biggest propagators of the law. Already during the parliamentary campaign for cultural autonomy for national minorities in Estonia in early 1920s, Baltic German politicians connected this with a broader struggle. They argued that national autonomy had become a "cardinal question" in the new states in Eastern Europe and their campaign in Estonia to achieve autonomy was a part of a bigger effort by minorities across the region.[1259]

When the law was finally passed in February 1925, Baltic Germans immediately started propagating it internationally in various fora. The editor of the organ of Baltic Germans, the newspaper *Revaler Bote* forwarded a copy of the newspaper's special autonomy issue, including the law's text, to Eric Drummond, the Secretary General of the League of Nations.[1260] Ewald

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[1256] Max Laserson, "Das Minoritätenrecht der baltischen Staaten," *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* Bd 2, H. 3/4 (1930): 429; on Laserson see e.g. Germane, "Paul Schiemann, Max Laserson and Cultural Autonomy."

[1257] Oscar Isaiah Janowsky, *Nationalities and National Minorities. With Special Reference to East-Central Europe* (New York: Macmillan Co, 1945), 150.

[1258] Jacob Robinson, "International Protection of Minorities: A Global View [1971]," in *The Progression of International Law. Four Decades of the Israel Yearbook on Human Rights – An Anniversary Volume*, ed. Yoram Dinstein and Fania Domb (Leiden: Brill, 2011), 106.

[1259] V.[ries], "Um die Autonomie."

[1260] Vries to Drummond, 25.02.1925, LONA, R1665/41/42803/15754, unpaginated.

Ammende sent the same materials to Erik Colban, the head of the Minorities Section of the League and stressed the law's importance for the minorities question in Europe.[1261] Furthermore, shortly after passing the law, Ewald Ammende published an article in the *Frankfurter Zeitung* stressing the importance of passing the law in Estonia for all minorities in Europe.[1262] German Cultural Self-Government also received letters asking for the translation of the law, closer information about its functioning and leaders, and they eagerly shared such information.[1263] Most importantly, Ewald Ammende was the main initiator of establishing the European Nationalities Congress which advocated non-territorial autonomy in general and the Estonian law in particular. This organisation will be analysed in the following section.

As the cases analysed in this section have demonstrated, advocating this model and the Estonian law in various publications had some appeal to everyone: for Social Democrats, it gave one the possibility to show the continuing actuality of their political ideas; for minorities, it was a useful model to strive for to defend their interests; for the Estonian state, it was a possibility for some positive publicity; for scholars, it served as a new and innovative research topic.

3. The European Nationalities Congress as an advocate of non-territorial autonomy

Founded in 1925, the European Nationalities Congress (*Europäischer Nationalitäten-Kongress*, full name *Kongress der organisierten Nationalen Gruppen in den Staaten Europas*) was the most influential minority organisation in interwar Europe and the most important organisation advocating cultural autonomy for minorities. During the years of its work, the Congress brought together 20 minority groups from 15 European states.[1264] Germans were the most influential and numerical group in the Congress, followed by the Jews. Other bigger groups present were the Catalans, Hungarians, Poles, Ukrainians, and Russians. The Congress claimed to speak on behalf of 40 million people spread in different states.[1265] The Congress convened once a year, mainly in Geneva, but occasionally in other cities like Bern and Vienna where the delegates discussed various minority questions and passed resolutions in these matters.

[1261] Ammende to Colban, 04.03.1925, LONA, R1665/41/42665/15754, unpaginated.
[1262] Quoted in: Smith and Hiden, *Ethnic Diversity*, 70.
[1263] See e.g. correspondence between the German Cultural Government and Consulate of Czechoslovakia in Tallinn; correspondence with various other organisations, 1925, ERA.85.1.321, unpaginated.
[1264] Participants and their country of residence was published in the minutes (*Sitzungsbericht*) of each meeting.
[1265] *Compte-rendu de la première conférence des Groupes nationaux organisés des Etats Européens en 1925 à Genève. Sitzungsbericht der ersten Konferenz der organisierten nationalen Gruppen in den Staaten Europas im Jahre 1925 zu Genf*, 1925, 42–43; *Sitzungsbericht des Kongresses der organisierten nationalen Gruppen in den Staaten Europas. Genf, 22. bis 24. August 1927* (Wien-Leipzig: Braumüller, 1928), 96–97, 103.

The Congress worked until 1938 and was foremost a body representing predominantly liberal minority activists until early 1930s, but gradually became narrower in terms of groups it represented and ultimately shifted towards being a pro-German body. In 1927, due to internal tensions analysed later in this chapter, it lost the minorities of Germany and the Polish minority group (from Germany and other European states).[1266] After that, it gradually became financially dependent upon funds from Germany.[1267] Finally, in 1933, when Nazis took power in Germany and the Congress refused to issue a statement condemning Germany's anti-Jewish policies, the Jewish group left the Congress and it became dominated by pro-Nazi Germans.[1268]

Ewald Ammende, a Baltic German from Estonia who had been actively involved in the campaign for autonomy in Estonia, was the main initiator of the Congress and worked as its General Secretary until his death in April 1936.[1269] Minorities from the Baltic states were actively involved in the work of the Congress. In addition to Ammende, Paul Schiemann, a Baltic German from Latvia, and Mikhail Kurchinskii, a Russian from Estonia, were the vice presidents and Werner Hasselblatt, a Baltic German from Estonia, actively participated in its work—to name some leading figures, although many more were involved.[1270]

When the European Nationalities Congress convened for the first time in autumn 1925 in Geneva, they aimed not only to create a forum for the minorities but to work as a strong united front to propose their agenda to reform the existing minority rights system. While acknowledging in principle the irreversibility of the postwar state borders of Europe, their aim was to create a universal guarantee for minorities by granting all minorities in Europe cultural autonomy and to establish a special minorities protection committee under the auspices of the League of Nations. Since the Congress tried to influence the League of Nations, it had chosen Geneva in autumn for the meetings as that was when the League of Nations Council convened under the eyes of international media.[1271]

More specifically, the Congress advocated in the first place the universal application of the non-territorial cultural autonomy model derived from the works of Karl Renner and Otto

[1266] Housden, *On Their Own Behalf*, 237.
[1267] Housden, 244.
[1268] David Smith, Marina Germane, and Martyn Housden, "'Forgotten Europeans': Transnational Minority Activism in the Age of European Integration," *Nations and Nationalism* 25, no. 2 (2018): 8.
[1269] Smith and Hiden, *Ethnic Diversity*, 70–75; On preparations of convening the cogress see: Housden, *On Their Own Behalf*, 139–68; Smith, Germane, and Housden, "'Forgotten Europeans,'" 4.
[1270] Michael Garleff, "Baltische Minderheitenvertreter auf den Europäischen Nationalitätenkongresen 1925-1928," in *Jahrbuch des baltischen Deutschtums*, vol. 33, 1986, 117–31.
[1271] Smith, Germane, and Housden, "'Forgotten Europeans,'" 6–7; Smith and Hiden, *Ethnic Diversity*, 75.

Bauer.[1272] In one of the programmatic documents that Ammende sent to convene the first meeting of European minorities, he defined collective minority rights as the cornerstone of the meeting. He explicitly clarified that the "example of Estonia should be duly highlighted" although he did not exclude other possible models.[1273] In the resolutions passed at their first meeting in 1925 in Geneva, the Congress proposed that the minorities should have a right to establish "bodies of public law organised either based on territory or persons based on the respective situation."[1274] As a Jewish delegate from Latvia, Mordechai Nurok, argued at the first meeting, territorial autonomy was only suitable for territorially compact minorities and in most cases, "national-cultural personal autonomy" would be the suitable model.[1275] Thus, non-territorial cultural autonomy and the positive approach to the Estonian law remained the core of Congress's activities.

The 1931 meeting in Geneva demonstrates even stronger attachment to the non-territorial autonomy model and the Estonian experience. The 1931 Congress held a special session dedicated to assessing the implemention of the Estonian law since its passing in 1925. The Congress's overall assessment was favourable, and Ammende (also referring to the assessment of Estonian politicians and state officials), Axel de Vries, Graf Esterhazy, and Mikhail Kurchinskii, the leader of the Russian minority in Estonia which never set up their autonomy, all stressed the positive experience with the law.[1276]

After the discussion, the Congress passed a resolution:

> The Congress understands … that cultural autonomy is regarded as positive by the Estonian nationalities and by the Estonian state, that the law has had the effect of taking out cultural questions from the political sphere and that the possibility of cultivating culture by the nationalities has also had a favourable effect on general political peace and respect between people. On the basis of these expert statements, the Nationalities Congress considers it necessary for the League of Nations to examine the cultural autonomy which has proved successful in Estonia for its applicability in other states of Europe and to take the appropriate steps to make the experience in Estonia fruitful for the solution of the pan-European nationalities problem.[1277]

[1272] see e.g. Xosé M. Núñez Seixas, "National Minorities in East-Central Europe and the Internationalisation of Their Rights (1919-1939)," in *Nationalism in Europe. Past and Present*, ed. Justo Beramendi González, Ramón Máiz Suárez, and Xosé M. Núñez Seixas (Universidade de Santiago de Compostela. Servizo de Publicacións e Intercambio Científico, 1994), 529, 533.

[1273] Gründe, Richtlinien und Programm für eine Tagung der Vertreter aller nationalen Minderheiten in Europa [1925], ERA.1107.1.12.

[1274] Housden, *On Their Own Behalf*, 155; *Compte-rendu de la première conférence*, 79.

[1275] *Compte-rendu de la première conférence*, 44–45.

[1276] *Sitzungsbericht des Kongresses der organisierten nationalen Gruppen in den Staaten Europas. Genf, 29. -31. August 1931* (Wien-Leipzig: Braumüller, 1932), 74–94.

[1277] *Sitzungsbericht des Kongresses der organisierten nationalen Gruppen in den Staaten Europas 1931*, 153.

As reflected in the resolution, one of the broader aims of the European Nationalities Congress was to convince the League of Nations of the usefulness of the non-territorial cultural autonomy model in solving the minority question in Europe. The Congress had tried for years to achieve closer collaboration with the League. This desire fell on deaf ears, because the League of Nations was largely disinterested in the non-territorial autonomy model.

Nevertheless, the 1931 meeting finally managed to convince the League of Nations to analyse the non-territorial cultural autonomy model more thoroughly. The Dane Ludvig Krabbe from the Minorities Section compiled a memorandum relaying the very meeting and the recently published report on the situation of minorities.[1278] Instead of the strong endorsement of the model that the Congress hoped to see, Krabbe criticised that in the 1931 meeting, there had been no proper critical discussion of the Estonian case. Krabbe wrote that "the minorities represented at the congress seem to agree … to recommend a general introduction of the [cultural autonomy] system as a panacea to solve the minorities question."[1279] While the Estonian law was an interesting attempt to minimise conflicts between nationalities, Krabbe argued that the model was not suitable for all minorities and applicable in all states since minorities differed in their social, economic, and cultural development. Krabbe argued that in Estonia, which was the model for the Congress, many relevant questions for the minorities were easily solvable without setting up costly autonomy institutions. He referred to the legal provisions designed to protect minorities within municipalities, such as the right to schooling in one's native language, and the right to use one's native tongue in communication with the local government. The fact that these legal provisions were sufficient for some minorities was for Krabbe demonstrated by the fact that Estonia's Russians and Swedes had not decided to set up their cultural autonomies. Krabbe pointed to other possible solutions, namely the provisions in Latvia, which had established a legal basis for minorities to administer their schools. However, David Smith and John Hiden have argued that the implicit conclusion in Krabbe's memorandum was to support the gradual assimilation of minorities.[1280]

It would be incorrect to interpret Krabbe's report as a full dismissal of the autonomy model. Although Krabbe expressed little sympathy for its broader application, he did raise several important questions regarding the model and the Congress as its propagator. Namely, that depending on the minority group and the state where it resides, this specific model might not be

[1278] M. Krabbe, L'Autonomie culturelle comme solution du problème des minorités, 18.10.1931, LONA, R2175/4/32835/32835.
[1279] M. Krabbe, L'Autonomie culturelle comme solution du problème des minorités, 18.10.1931, LONA, R2175/4/32835/32835, p. 2.
[1280] Krabbe's memorandum has been summarised in Smith and Hiden, *Ethnic Diversity*, 83–84; and in Housden, *On Their Own Behalf*, 247–49.

the most suitable to defend their interests. At the same time, the Congress had a relatively narrow programmatic focus on this model and advocated its broader application. These themes were indeed raised by some minority activists and these critical interpretations will be analysed in the following section.

The European Nationalities Congress and cultural autonomy. A veiled political programme of the Germans?

The European Nationalities Congress, the foremost minority advocacy organisation in interwar Europe, with numerous minority communities participating in its work, endorsed the non-territorial cultural autonomy model. But there were varied opinions about the model. In particular, minorities who considered themselves weaker, poorer, and less organised were corcerned whether they could maintain the cultural autonomy institutions. In his 1931 report, Ludvig Krabbe had correctly referred not only to Russians and Swedes in Estonia who had not set up their self-governments, but also to the Association of the National Minorities in Germany (*Verband der nationalen Minderheiten Deutschlands*) who did not endorse a universal application of the cultural autonomy model in the Congress.[1281]

Jan Skala (1889-1945), a Catholic Sorb from Nebelschütz in Germany who was closely connected with this association, was one of the most vocal critics of the Congress, the non-territorial autonomy model, and the experiment with the model in Estonia.[1282] He was the editor of the journal *Kulturwehr* (in 1925, it was published under the title *Kulturwille*).[1283] This journal was the organ of the Association of the National Minorities in Germany, dominated mainly by Poles. *Kulturwehr* was among the most important minority journals in interwar Europe.[1284]

For a brief time, Skala was also more closely involved in the work of the European Nationalities Congress, participating in the first meeting in 1925 in Geneva.[1285] In summer 1925, his journal *Kulturwille* endorsed the creation of some kind of European organisation to defend minorities internationally and praised the European Nationalities Congress as the first attempt of

[1281] M. Krabbe, L'Autonomie culturelle comme solution du problème des minorités, 18.10.1931, LONA, R2175/4/32835/32835, p. 2.
[1282] For a biography see: Peter Jan Joachim Kroh, *Nationalistische Macht und nationale Minderheit. Jan Skala (1889–1945): Ein Sorbe in Deutschland.* (Berlin-Leipzig: Kai Homilius, 2009).
[1283] On the journal see e.g. Walter Koschmal, "Jenseits der ‚Heimat' zu Hause: zu sorbischer Transnationalität," *LĚTOPIS. Zeitschrift für sorbische Sprache, Geschichte und Kultur. Časopis za rěč, stawizny a kulturu Łužiskich Serbow*, no. 2 (2015): 51–60.
[1284] Bamberger-Stemmann, *Der Europäische Nationalitätenkongress*, 233.
[1285] *Compte-rendu de la première conférence*, 10; for his own account about the meeting see Jan Skala, "Die Genfer Tagung der nationalen Minderheiten Europas," *Kulturwille*, no. 8 (1925).

its kind in history.[1286] Other Sorbian delegates participated in the work of the congress in later years too, until 1927 when J. Cyž, E. Herrmann, J. Lorenz attended the meetings.

In 1927 the Congress experienced one of its first major crises when the Association of National Minorities in Germany (including the Sorbs but also Poles, Lithuanians, Danes, and Frisians) decided to leave the Congress. One impetus was the ongoing question of accepting the Frisian minority to the European Nationalities Congress. The issue was complicated and evolved around the question of who forms a minority and who the Frisians are, since many activists (including Germans) considered the Frisians members of the German nation like the Bavarians and Swabians. The European Nationalities Congress decided not to include the Frisians, which initiated a protest by the Association which in turn decided to leave the Congress for good. The Polish minority never returned to the Congress.[1287] The loss of these groups narrowed the representativeness of the Congress and tilted its internal power hierarchy more towards the Germans.

After the Association of National Minorities in Germany had left, Ammende tried to stay in touch with the organisation and hoped that the groups that had left would participate again in the future. These attempts at reconciliation, however, were countered by Skala.[1288] In this strife, the broader goals of the Association and the Congress played an important role. The overall goal of the Polish-dominated Association of National Minorities in Germany was not to establish a new system of minority rights. Instead, they were more interested in enforcing the minority protection clauses in the peace treaties and minority treaties.[1289] Arguably, the episode played a major role in triggering critique towards the Congress and cultural autonomy by these groups.

In the entire incident of the minorities' association of Germany and the Poles leaving the Congress and the anti-campaign by Skala analysed below, the position of Poland played an important role. When the new states signed the minority treaties, they sensed it as a humiliation forced upon them, a limitation on their sovereignty which was not imposed on other states, not even Germany, the losing power of the war.[1290] Poland was one of the strongest advocates of some form of universal minority protection system, not the one which would be applied only to some states.[1291] When the minorities established the Congress, Poland remained sceptical of it due to

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[1286] "Bücherbesprechungen. Camillo Morocutti: Europa und die völkischen Minderheiten," *Kulturwille*, no. Heft 3 (July 1925): 138–41; "Zur Genfer Tagung der nationalen Minderheiten Europas," *Kulturwille*, no. Heft 7 (Oktober 1925): 275–77.

[1287] Housden, *On Their Own Behalf*, 240–49; Smith and Hiden, *Ethnic Diversity*, 81; Hiden, *Defender of Minorities*, 146–47; Bamberger-Stemmann, *Der Europäische Nationalitätenkongress*, 172–77.

[1288] Housden, *On Their Own Behalf*, 240–49; Smith and Hiden, *Ethnic Diversity*, 81; Hiden, *Defender of Minorities*, 146–47; Bamberger-Stemmann, *Der Europäische Nationalitätenkongress*, 175–77.

[1289] Smith and Hiden, *Ethnic Diversity*, 81; Hiden, *Defender of Minorities*, 146.

[1290] Mark Mazower, "Minorities and the League of Nations in Interwar Europe," *Daedalus* 126, no. 2 (1997): 52.

[1291] Fink, *Defending the Rights of Others*, 298, 310.

strong German presence but also due to the fact that the minorities could voice their criticism about how Poland treated its own minorities.[1292]

Initially, a couple of months after Estonia had passed the law, the journal *Kulturwille* published a translation of the law and Skala commented on it. In Skala's understanding, the Estonian law was part of the broader context of post-First World War Europe, when some states and minorities were searching for different partial and interim solutions (*Teillösung, Zwischenlösung*) to the minorities question, which could eventually lead to more comprehensive solutions. The Estonian minority protection law, he argued, was a remarkable example of such a movement towards a practical working solution and by passing this law and granting minorities self-government, Estonia spearheaded the very process.[1293] Juxtaposing it against minority protection practices in other European states and in particular in Germany, Skala even recommended it for broader application: "It would be desirable for all minority politicians to turn their interest to Estonian cultural autonomy in a broad way. It is certainly not perfect, but even the most hardened nationalist cannot deny that it is much better than the minority practice of all other states."[1294]

At the same time, Skala expressed critique of several aspects of the Estonian law on cultural self-government. More specifically, he criticised §§14, 15, 19, 25, and 27. These paragraphs enabled the Estonian government to dissolve the cultural self-government and organise new elections. These paragraphs also stipulated that self-government was automatically dissolved if the number of the respective minority fell under 3,000 and if the number of registered adult citizens were below half of the individuals of this nationality according to the last census data. Furthermore, the mentioned paragraphs stated that the cultural council would not convene if less than half of the registered citizens participated in the elections. These provisions, Skala argued, were purely "mechanical" and did not take other aspects into account. Skala argued that these provisions had the potential to make life more complicated and uncertain.[1295] Regarding the implementation experience, the Estonian government used the right to dissolve self-governments only once, mainly as a measure to counter the rise of National Socialist sympathies among Baltic German politicians. But at the hands of a government more hostile towards the minorities, such a tool could make the life of minorities more complicated.

Skala's further discussed to which extent the state should have control over national registers and criticised that in case of a stronger control, it could be against the interest if the minority. He argued that the very idea of a national register could be traced back to the egoistic

[1292] Housden, *On Their Own Behalf*, 239.
[1293] Jan Skala, "Die Kulturautonomie der nationalen Minderheiten Estlands," *Kulturwille*, no. 3 (1925): 108, 115.
[1294] Skala, 116.
[1295] Skala, 114–15.

interests of a nation-state which usually aims to show the number of minorities as small as possible and assimilate the minorities.[1296] He referred to the question of Sorbs and Frisians in Germany: the small size of the respective minority was used as a pretext for refusing to provide minorities with legal protection.[1297] It is true that if a government which is hostile towards minorities has a control over the national register, it could potentially implement such nationalising measures. In the case of the law in Estonia, the minorities administered the national register and thus the state could not intentionally deflate the number of their members. However, in the 1930s, the state indeed introduced restrictions on determining ethnic belonging, but largely to avoid Estonians declaring themselves as Germans.[1298]

In 1925, Jan Skala's own understanding of minority protection was based on international guarantees. He identified a broad and complicated gallery of different legal norms regarding minority rights: individual treaties between states, supplementary agreements to the peace treaties, and laws and regulations within the states. The problem in Skala's understanding lay in the fact that these norms—be they laws or constitutional provisions (he explicitly referred to the article 133 of the Weimar constitution)—could not be enforced (*erzwungen*) by the minority itself. In this context, Skala argued, an international system was needed.[1299] An important dimension in Skala's ideas was the critique of how Weimar Germany treated minorities within state borders. Gustav Stresemann had endorsed cultural autonomy for all minorities in Europe in January 1925, but for Weimar Germany, minority protection was foremost a topic of international prestige and sponsoring Germans abroad rather than providing protection for minorities in Germany.[1300] German minorities in Europe were prominently advocating cultural autonomy within the European Nationalities Congress, but the Sorb applications to be recognised as a national minority in Germany in the 1920s were rejected by the government with the argument that they did not have a Sorbian state supporting them. Thus, the Sorbs were unable to use the minority protection provisions of the constitution and had to use general constitutional civic freedoms such as the right to form associations.[1301]

[1296] Skala, 114.
[1297] Skala, 114.
[1298] Triin Tark, "Should the State Have Control over National Registries? The Case of Cultural Autonomy in Interwar Estonia. Paper Presented at the NTAutonomy Network Conference, Vienna," September 2022.
[1299] Skala, "Die Kulturautonomie der nationalen Minderheiten Estlands," 108.
[1300] Smith and Hiden, *Ethnic Diversity*, 73–74; see also Carole Fink, "Defender of Minorities: Germany in the League of Nations, 1926-1933," *Central European History* 5, no. 4 (1972): 330–57; on domestic minority politics see: Thomas Göthel, *Demokratie und Volkstum: die Politik gegenüber den nationalen Minderheiten in der Weimarer Republik* (Köln: SH-Verl., 2002).
[1301] Todd Foy and Carmen Thiele, "The Legal Status of the Sorbian Minority in the Federal Republic of Germany," *International Journal on Minority and Group Rights* 4, no. 1 (1996): 48–49.

In essence, Skala raised the question for which groups was the cultural autonomy model suitable. He emphasised that cultural autonomy could be a useful model for the relatively wealthy and well-organised German minority but not so useful for less organised and poor minorities like the Sorbs who might not be able to maintain the institution.[1302] To a certain extent, the implementation experience in Estonia confirms it. It was relatively well-organised Germans and Jews who established their self-governments but not the less organised and internally diverse Russian minority.

Jan Skala's and *Kulturwehr*'s more fundamental critique was aimed at the European Nationalities Congress. They wrote that the Congress advocated cultural autonomy and saw it as the "only possible practical solution" for all minorities and hardly considered any other models which could be more suitable for some minorities.[1303] He stressed that the Congress had prematurely rushed to bring the Estonian law as a model for other states, although as the first such attempt in the world, it was too early to give a final assessment of its usefulness and broader applicability. Skala pointed out that even the authors of the law had coined it only as a framework law to be amended once there was substantial experience of implementation.[1304]

One of the main reasons why Skala attacked the Congress and its advocacy for cultural autonomy was its ultimate goal, which he believed was a veiled programme of Germans to ultimately revise state borders. Ethnic minorities in Europe, he argued, were essentially cultural communities trying to stay in contact with their kin-state. Skala argued that the German minority in Czechoslovakia was essentially an irredentist political community as they considered uniting with Germany and creating a Greater Germany (*Grossdeutschland*).[1305] As such, demands for cultural autonomy were in Skala's understanding only the first step towards more substantial demands, in particular the territorial-political self-determination or full secession.[1306] Thus, such demands were essentially demands to change the existing status quo in Europe created with the peace treaties and unite German minorities abroad with Germany.[1307]

What may have likely pushed Skala to conclude that the aim of the Congress was revisionist was its founding principles, which emphasised the demand for territorial and national-personal autonomy, but also "in some cases even the revision of borders via the League of Nations."[1308]

[1302] John Hiden and Martyn Housden, *Neighbours or Enemies?: Germans, the Baltic and Beyond* (Amsterdam: Rodopi, 2008), 47; Kuzmany, "Non-Territorial National Autonomy in Interwar," 340.
[1303] "Zur Genfer Tagung der nationalen Minderheiten Europas."
[1304] Skala-Łužičan, "Kulturautonomie," 55.
[1305] Skala, "Die Kulturautonomie der nationalen Minderheiten Estlands," 108; for a recent analysis of the Sudeten German Party see: Mulej, "Territorial and Non-Territorial."
[1306] Skala-Łužičan, "Kulturautonomie," 53.
[1307] Skala-Łužičan, 57.
[1308] Gründe, Richtlinien und Programm für eine Tagung der Vertreter aller nationalen Minderheiten in Europa [1925], ERA.1107.1.12.

However, only in individual cases and under the auspices of League of Nations. However, in later work of the Congress, border revisions were never seriously discussed. On the contrary, the delegates often repeated that they do not aim to advocate any border revisions.[1309]

Kulturwille/Kulturwehr thus attacked the Congress for its fixation on the cultural autonomy model and said that it was essentially an irredentist organisation in which the German minorities used the minority movement to advance the interests of the German state.[1310] In Skala's understanding, the first meeting of the Congress in 1925 should have declared that the "duty for absolute civic loyalty (*Pflicht zur absoluten staatsbürgerlichen Loyalität*)" was the precondition for any self-government of the minorities.[1311] Indeed, the resolutions of the first meeting addressed the issue of loyalty of the minorities but the final wording in the resolutions was much milder, stressing "loyal collaboration of everyone, the minorities and majorities."[1312] Nevertheless, it would be unjust to accuse the Congress of opening the doors for disloyal minority activism since it stressed the importance of loyalty. Furthermore, the internal regulations of the Congress were much stricter than depicted by Skala. Only general issues relevant to all minorities were allowed to be discussed. Criticising one or another government was not possible during the meetings.[1313]

Camillo Morocutti, "a Yugoslav by citizenship, an Italian by origin, and a German by education and culture,"[1314] wrote a passionate response to Skala.[1315] Morocutti wrote extensively on the minorities question and was also active in the European Nationalities Congress. He participated in the meetings in 1925 and 1927 representing the German minority in Yugoslavia. In his response, Morocutti stressed several positive aspects of cultural autonomy. In short, he believed that cultural autonomy would create a clearly-defined trustworthy minority community and promote responsibility within the community and in its leaders and thus avoid irredentism.[1316]

At the same time, Morocutti was very critical of the Treaties of Versailles and St. Germain and stressed that these were drafted in a war psychosis and in the heat of victory, and actually created preconditions for another world war and should be peacefully revised.[1317] Against this background, he believed that cultural autonomy was a tool for "the liquidation of inorganic and

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[1309] *Sitzungsbericht des Kongresses der organisierten nationalen Gruppen in den Staaten Europas. Genf, 3. bis 6. September 1930* (Wien-Leipzig: Braumüller, 1931), 52; *Sitzungsbericht des Kongresses der organisierten nationalen Gruppen in den Staaten Europas 1931*, 151.

[1310] "Zur Genfer Tagung der nationalen Minderheiten Europas"; see e.g. Hiden, *Defender of Minorities*, 144–47; Bamberger-Stemmann, *Der Europäische Nationalitätenkongress*, 175–77; 233–34.

[1311] Skala-Łužičan, "Kulturautonomie," 57.

[1312] *Compte-rendu de la première conférence*, 79.

[1313] Smith, Germane, and Housden, "'Forgotten Europeans,'" 6.

[1314] Carl Brockhausen, "National Reconciliation in South-Eastern Europe," *The Slavonic and East European Review* 7, no. 20 (1929): 315.

[1315] For Morocutti's more extensive account on the question of minorities see: Camillo Morocutti, *Europa und die völkischen Minderheiten* (Jena: Diederichs, 1925).

[1316] Camillo Morocutti, "Kulturautonomie," *Kulturwehr*, no. Heft 4 / April 1926 (1926): 150–56.

[1317] Morocutti, 148–49.

unjust relations between peoples, a liquidation of the Versailles system of international law."[1318] It indeed shows that some German minority activists active in the European Nationalities Congress connected cultural autonomy with some form of revisionist agenda yet in a milder form than Skala depicted.

Within the European Nationalities Congress, however, Morocutti was an uninfluential figure. Paul Schiemann, the vice president and the intellectual figurehead of the Congress countered these polemical attacks in several articles. Schiemann condescendingly distinguished two approaches to minority rights within the European minorities' movement: Germanic and Slavic. The goal of the first was foremost to settle the tension between citizenship and national identity and to create conditions for independently administering one's culture based on voluntary membership in the community. The Slavic approach to minority rights was in Schiemann's interpretation, in contrast, more about guaranteeing protection of a weaker group where the membership in the group would be defined by the state based on some objective criteria. This, Schiemann continued, went against the very principle of practicing one's own national culture. Regarding the question of loyalty, Schiemann argued that it was the other way around: loyalty should not be the criteria for granting rights but rather the result of guaranteeing some protection. To the accusation that the Congress was a mere tool for the German state, he answered that there was no evidence for such a claim and that all the political questions such as state borders were actually excluded from its agenda.[1319]

Did the European Nationalities Congress idealise non-territorial autonomy?

As seen above, Skala initially positively assessed the cultural autonomy model and later criticised it profoundly. One can ask whether his critique was entirely honest and benevolent or whether he was perhaps opportunistic—something that he accused the Congress and the German minority of. Ammende described Skala as "a master of poisoning streams," who attempted "a systematic incitement between nations" due to his "pathological hatred against Germandom."[1320] It is likely that Skala's critical approach to cultural autonomy and the European Nationalities Congress derived not so much from the fundamental opposition to the model but from his perception of its treatment within the Congress. The European Nationalities Congress was the most important minority organisations in interwar Europe, and although it did not claim that cultural autonomy

[1318] Morocutti, 153.
[1319] see e.g. Hiden, *Defender of Minorities*, 144–47; Bamberger-Stemmann, *Der Europäische Nationalitätenkongress*, 175–77; 233–34.
[1320] Housden, *On Their Own Behalf*, 240.

was the only solution, it nevertheless had a very strong focus on it. Skala himself expected this organisation encompassing European minorities to have a broader programmatic focus and take other forms of minority protection more seriously.

The Congress's strong advocacy of non-territorial autonomy indeed raises some of the questions touched upon by Skala and Krabbe. As seen above, in 1931 a special session was dedicated to the Estonian experience—the exemplary solution to the minority question in the eyes of the Congress. In Estonia, two minorities had used the opportunities given by the law: Germans and Jews established their respective autonomies. However, only representatives of Estonia's Germans and Russians participated in the meeting, but not the Jews, whose experience in practising autonomy should have been precious for the Congress that proposed its universalisation. Estonia's Jews had participated in the congress only once, in 1927.[1321] The main reason they did not participate in the meetings was their lack of financial resources—that is why they had to reject the invitation by Motzkin in 1926.[1322] As seen in chapter 7, their experience, however, could have raised many relevant questions regarding the broader application of cultural autonomy: how suitable was it for small minorities whose financial resources were very limited, how to deal with a linguistically diverse minority within the autonomy structures, and the question of unwillingness to send children to minority schools. Also, the situation report (*Lagebericht*) about Estonia's Jews in the collection edited by Ammende hardly noted these issues. On the whole, the *Lagebericht* praised Estonia for guaranteeing Jewish autonomy. Only some problematic aspects, such as the need to expand the powers of autonomy to include social welfare, the small representation of Jews in state offices, and local government institutions and struggles with language of instruction, were mentioned in passing.[1323]

The same could be said about the Russian minority in Estonia. Russians, the most numerous minority group in interwar Estonia, never established their autonomy. Indeed, Mikhail Kurchinskii, the vice president of the Congress and one of the leaders of the Russian minority in Estonia addressed the session in 1931 and discussed why Russians did not use the autonomy provisions. Instead of asking whether the existing minority protection provisions would fit the needs of the Russian minority in Estonia, Kurchinskii focused on the Russian minority and tried to explain why they have not yet mobilised and established autonomy. Not once did he ask if some alternative models (for instance fully using the minority protection measures in the municipalities) would be more suitable.[1324]

1321 *Sitzungsbericht des Kongresses der organisierten nationalen Gruppen in den Staaten Europas 1927*, 6.
1322 Juudi kultuurvalitsuse protokoll nr 4., 20.08.1926, ERA.40.1.6885, p. 47.
1323 Ammende, *Die Nationalitäten in den Staaten*, 21–28.
1324 Alenius, "Under the Conflicting Pressures," 41; *Sitzungsbericht des Kongresses der organisierten nationalen Gruppen in den Staaten Europas 1931*, 80–89; Housden, *On Their Own Behalf*, 247–48.

Arguably, addressing these challenges would have been of great value since the Congress aimed to encompass a wide variety of minorities. It would have helped to adjust their programme and strategy to be more successful in communicating with the League of Nations. Indeed, the Congress had an idealistic understanding of non-territorial autonomy and, in a sense, advocated a model law that Ammende himself had created in Estonia. In essence, the Congress advocated a minority protection model that was the most suitable for the two main groups of the Congress, namely the *Auslanddeutschen* and the Jews,[1325] and paid very little attention to other possible solutions.

On the other hand, balancing between the interests of numerous different minority communities and preserving a sense of unity to act as one organisation and influence the League of Nations was a demanding task. Some of the core principles of the Congress indeed reflected these considerations, but at the same time made more in-depth discussions complicated. For instance, the Congress did not foresee that issues relevant to specific minorities would be addressed in the meetings, the Congress had to have some kind of unified position and not be a "special congress for the juridical question of minority development (*Spezialkongress für die juridischen Fragen der Minderheitenentwicklung*)."[1326]

The tensions between minorities in Germany and Skala had a larger impact on the work of the Congress. As a result of Skala's attacks, in particular in 1927, Ammende somewhat changed his approach to cultural autonomy. From then on, he emphasised that although it worked well in Estonia, it was not the only possible solution as there were other important approaches elsewhere.[1327] However, as seen from previous paragraphs, the Estonian cultural autonomy remained a kind of standard solution. Furthermore, the historian John Hiden has argued that Skala's attacks evoked the interest of the *Auswärtiges Amt* towards the Congress regarding its possible usefulness for German foreign policy. In 1927, the *Auswärtiges Amt* started to fund Ammende's office in Vienna and the organ of the Congress, the journal *Nation und Staat*. From then onwards, the Congress gradually became dependent upon German funds.[1328]

Strikingly, Jan Skala's critique of the Congress and its ultimate aims resembles how it has been treated in historiography. Looking back retrospectively from the years when Nazi Germans dominated the Congress since 1933, studies have treated the Congress as a mere tool for

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[1325] Smith, Germane, and Housden, "'Forgotten Europeans,'" 6–7; Jewish communities represented at the Congress, however, were much more numerous and thus did not necessarily have the same problems as the Estonian Jewish community.
[1326] Gründe, Richtlinien und Programm für eine Tagung der Vertreter aller nationalen Minderheiten in Europa [1925], ERA.1107.1.12, p. 3.
[1327] Housden, *On Their Own Behalf*, 240.
[1328] Hiden, *Defender of Minorities*, 146; Bamberger-Stemmann, *Der Europäische Nationalitätenkongress*, 236–37.

revisionism and nationalism.[1329] However, recent studies have offered a more nuanced look and showed that in the early years it was a "genuinely multiethnic coalition", encompassing a wide variety of minorities from different European communities. Furthermore, until the Congress became dominated by nationalist Sudeten Germans, the most influential figures in the Congress did not advocate German superiority nor pan-Germanism. Instead, liberal activists such as Paul Schiemann from Latvia advocated the idea of an anational state and were vocal opponents of Nazism.[1330]

4. The Estonian model of non-territorial autonomy as a minority protection model in Coudenhove-Kalergi's vision of the United States of Europe

As the previous section showed, the European Nationalities Congress's strong endorsement of the non-territorial autonomy model is well known in the literature. The Congress, was, however, a body encompassing minorities who did not necessarily have much influence on their native states. A closer look shows that the model found attention also in international fora with even broader scope. For instance, the Minorities Committee of the International Federation of the League of Nations Societies discussed the Estonian law in 1925. The Federation's General Secretary, the French philosopher and pacifist Théodore Ruyssen, gave a thorough report on the law and—in the vein of praising the assessment analysed earlier—concluded by stressing the liberality and the boldness of the law.[1331]

Another broader international movement which included the Estonian model in its programme was the Pan-European Union, initiated and led by Richard Nikolaus Coudenhove-Kalergi (1894-1972)—a German-Japanese nobleman. This section will briefly revisit the core principles of Coudenhove-Kalergi's Pan-European project and the role of minorities in it.[1332] It is important to note that Coudenhove-Kalergi was foremost an activist trying to gain broader support for his big idea[1333] rather than a theoretician offering a detailed programme on specific questions. In his advocacy for European unification, he did not offer a consistent programme and was not deeply interested in the minority question, and rather looked for specialists upon whose expertise he could rely.

[1329] See e.g. Bamberger-Stemmann, *Der Europäische Nationalitätenkongress*.
[1330] Smith, Germane, and Housden, "'Forgotten Europeans.'"
[1331] Ruyssen, L'Autonomie culturelle des Minorités en Esthonie, LONA, R2154/4/3418/1158.
[1332] There are numerous (including partisan) biographies of Coudenhove-Kalergi and his movement published in German. For a recent biography in English see: Martyn Bond, *Hitler's Cosmopolitan Bastard: Count Richard Coudenhove-Kalergi and His Vision of Europe* (Montreal: McGill-Queen's University Press, 2021).
[1333] Dina Gusejnova, "Europe To-Morrow: The Shifting Frontiers of European Civilization in the Political Thought of Richard Coudenhove-Kalergi," *Istanbul University Journal of Sociology* 38, no. 2 (March 26, 2019): 227–53.

By revisiting the history of the Pan-European movement and its minority protection programme, this section argues that in the interwar period, non-territorial autonomy was discussed at some very high-scale political fora. At the same, time, it also points to the discrepancy between the broad positive reception and the lack of actual functioning examples of non-territorial autonomy. Non-territorial autonomy (with a specific reference to Estonia) as a minority protection model was included in the programme of the Pan-European Union. Arguably, it is less challenging to include such principles in broad visionary documents rather than to actually implement it when, numerous practical questions emerge. Such practical challenges in implementing some form of international non-territorial minority protection model were voiced by Kaarel Robert Pusta, an Estonian diplomat closely affiliated with the Pan-European Movement.

The historian Dina Gusejnova has argued that Coudenhove-Kalergi's vision for a united Europe, which was first published in 1922, was essentially an answer to the collapse of the multi-ethnic empires in Europe. In his numerous publications, Coudenhove-Kalergi proposed to create a pan-European political entity which he called "the United States of Europe", with the broader aim of preserving peace in Europe. This federation was to be based on the principles of democracy and republicanism. In terms of administration, he envisioned a bicameral European parliament: one chamber for nations, another for states. Europe was to be one economic unit without economic or customs borders, with a common currency and its own army. Although a republican and a democrat, Coudenhove-Kalergi was also a conservative who considered the creative potential of the aristocracy and the ideal of a gentleman as essential for his project. He considered the cultural cornerstones of European civilization to be fundamental elements of a united Europe: the Hellenic Greek, Roman, and Christian tradition, and the German ideal of *Bildung* (education in broad sense). Coming from the Austro-Hungarian imperial context (and having a strong attachment to Bohemia), Coudenhove-Kalergi's project also relied on the federalist projects that had emerged there. For instance, he was inspired by Aurel Popovici's 1906 book *Die Vereinigten Staaten von Groß-Österreich*.[1334]

Being a nobleman by birth and a diplomat by training, he drew numerous diplomats, businessmen, politicians, and intellectuals into his movement. These included government ministers but also heads of governments. In 1925, Karl Renner also agreed that a cultural and economical unification of Europe was necessary. A year later, however, he broke off with the movement due to its strong anti-Bolshevist stance.[1335]

[1334] For an overview of Kalergi's vision of a united Europe see e.g. Gusejnova, *European Elites*, 69–97; Gusejnova, "Europe To-Morrow."
[1335] Gusejnova, *European Elites*, 92, 94.

Coudenhove-Kalergi's ideas on the national question had some similarities to Renner and Bauer. Specifically, he also believed that it should not be a divisive and conflict-evoking issue in state politics. Instead, Coudenhove-Kalergi proposed that state and nation should be separated and national belonging should be a private question. Furthermore, since he considered nation mainly an intellectual category, it was not confined to the borders of one state or bound to a clear territorial unit.[1336]

Regarding minority protection, Coudenhove-Kalergi was critical of the League's minority protection system, saying that the League had declared its "platonic sympathy" for minority rights but had failed to implement them in practice.[1337] Coudenhove-Kalergi named his vision of minority rights a tolerance edict (*Toleranzedikt*) or a European "Magna Carta." The rights that should be protected in the future united Europe focused mainly on language rights: the right to use one's language in courts and administrative affairs plus the right of children to be educated in one's cultural community.[1338] As such, these were mainly the rights of an individual belonging to a minority community. In the Pan-European Pact drafted in 1930, Coudenhove-Kalergi confirmed these language rights principles. He proposed that, in the new European political entity, minorities should be constitutionally protected at the European level. An example he referred to was how cultural differences were being preserved in the different cantons of Switzerland.[1339] It is also important to note that Coudenhove-Kalergi's supported the amalgamating cultures and races—himself having both European and Japanese parents. He argued that, in the longer run, the future individual in Europe would be a mixture of races and cultures.[1340]

In addition to the rights of individuals belonging to a minority community, Coudenhove-Kalergi supported territorial solutions. In his constitution project for the United States of Europe, drafted in 1944 during his exile in New York, Coudenhove-Kalergi proposed that the constitutions of the union's member states should guarantee minorities the right to local or regional autonomy within a specific part of the state. It was through plebiscites under the patronage of the United States of Europe that individual cases would be decided.[1341]

Coudenhove-Kalergi and some members of the European Nationalities Congress attempted to establish closer connections between the Pan-European movement and the

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[1336] Richard Nicolaus von Coudenhove-Kalergi, *Pan-Europa* (Wien: Pan-Europa-Verlag, 1923), 146–47; Anita Ziegerhofer-Prettenthaler, *Botschafter Europas: Richard Nikolaus Coudenhove-Kalergi und die Paneuropa-Bewegung in den zwanziger und dreißiger Jahren* (Böhlau, 2004), 478.
[1337] quoted in Ziegerhofer-Prettenthaler, *Botschafter Europas*, 479.
[1338] Coudenhove-Kalergi, *Pan-Europa*, 146; Ziegerhofer-Prettenthaler, *Botschafter Europas*, 479.
[1339] Christian Pernhorst, *Das paneuropäische Verfassungsmodell des Grafen Richard N. Coudenhove-Kalergi* (Baden-Baden: Nomos Verlagsgesellschaft mbH & CoKG, 2008), 190; Ziegerhofer-Prettenthaler, *Botschafter Europas*, 478.
[1340] Ziegerhofer-Prettenthaler, *Botschafter Europas*, 61; Gusejnova, "Europe To-Morrow," 236.
[1341] Pernhorst, *Das paneuropäische Verfassungsmodell*, 190; both documents are published on pp. 213-221 and 222-237 of the book.

Congress. Theoretically, there was a good basis for cooperation since both were interested in European integration.[1342] Some members of the Congress were active supporters of European integration. For instance, Mikhail Kurchinskii drafted his own project entitled "The United States of Europe" with which he promoted an economic union.[1343] Some of the Congress delegates, for instance the Catalan Joan Estelrich, also participated in the meetings of Coudenhove-Kalergi's movement.[1344] Camillo Morocutti also participated their meetings and tried to influence the Pan-European movement's agenda to support cultural autonomy. More specifically, his vision included the idea of establishing a Pan-European Minority Protection Headquarters (*paneuropäische Minderheitenschutz-Zentrale*) where the founders of the European Nationalities Congress would collaborate with the Pan-European movement.[1345] He also proposed the Estonian example as the suitable model for minority protection in the future Pan-Europe:

> A lasting merit of German minority politicians is the emphasis and realisation of the idea of autonomy in European minority politics. Cultural autonomy, which found its realisation in Estonia, is a cornerstone and a milestone in the development of European minority protection. Cultural autonomy alone makes it possible for minority peoples to achieve a synthesis of nationality and state, to remain loyal to the state and to their own people through the supranational cooperation of free national individualities.[1346]

Coudenhove-Kalergi himself praised the European Nationalities Congress as an expression of Pan-European solidarity and a rejection of irredentism.[1347] In 1926 he invited Josip Wilfan, the president of the European Nationalities Congress, to attend the first Pan-European Congress in Vienna and Wilfan gave a talk about the Congress and the Estonian law.[1348] At this Congress in Vienna, the minorities committee proposed creating a permanent committee on minority rights in collaboration with the Interparliamentary Union, the Union of the League of Nation Societies, and the European Nationalities Congress to provide minorities protection and to propagate the idea of European unification among minorities.[1349]

[1342] Ulrike v Hirschhausen, "From Minority Protection to Border Revisionism: The European Nationality Congress, 1925–38," in *Europeanization in the Twentieth Century* (London: Palgrave Macmillan, 2010), 88; Smith, Germane, and Housden, "'Forgotten Europeans.'"

[1343] Mikhail Kurchinskii, *Soedinennye Shtaty Evropy: ekonomicheskie i politicheskie perspektivy etoi idei: avec un résumé: Les États-Unis de l'Europe: les perspectives économiques et politiques de cette idée* (Derpt, 1930).

[1344] Ziegerhofer-Prettenthaler, *Botschafter Europas*, 479.

[1345] Camillo Morocutti, "Paneuropa und die Minderheiten," *Paneuropa*, no. 15 (1926): 11.

[1346] Morocutti, 10.

[1347] Richard Coudenhove-Kalergi, "Europäische Parteien," *Paneuropa*, no. Jahrgang 3, Heft 3 (1927): 16; ERA.1622.1.263, p. 21.

[1348] Referat Josip Wilfan, Historical Archives of the European Union, PAN/EU-03-13 (copy from the Russian State Military History Archive), p. 40; Published in: Josip Wilfan, "Der Genfer Minoritätenkongress," *Paneuropa*, no. 15 (1926): 12–17.

[1349] Résolution de la Commission pour les affaires politiques et les [sic] la protection des minorités, signé par le Président du Comité Dr. Mittelmann, 4 octobre 1926, ERA.1622.1.258, p. 76; Résolution présentée à la première

Despite this favourable starting point and mutual interest, no fruitful collaboration developed between the two organisations. One of the reasons was their diverging underlying political agendas. Namely, Coudenhove-Kalergi largely relied on Aristide Briand's vision for European unification, who was also the honorary president of the Pan-European Union. In his memorandum first delivered at the speech at the League of Nations in September 1929, Briand proposed a federally organised European Union within the League of Nations with the main aim to promote peace and economic and political collaboration. It was a project of states, as the representatives of state governments would form the European Conference, the supreme directing institution of the federation.[1350]

This state-focused European unification project made the European Nationalities Congress sceptical. Leading voices of the Congress criticised such an approach and called for European unification based not only on states but also national groups.[1351] For these reasons, in 1930, the European Nationalities Congress decided not to support Aristide Briand's memorandum arguing that it would leave minorities without a voice.[1352] Furthermore, Aristide Briand had expressed rather assimilationist views at the League of Nations while presenting his proposal.[1353] Also, no less important is the fact that Briand's project was a part of French foreign policy and an attempt to "Europeanize French relations with Germany."[1354] Supporting this kind of project was complicated due to the Congress's growing financial dependence on the German government.[1355] Eventually, however, members such as Ewald Ammende envisioned their own alternative projects of Pan-Europe based not on states, but on national communities under the auspices of Germany.[1356]

Kaarel Robert Pusta: Estonian non-territorial autonomy as an immature liberal experiment

The following section will analyse critical discussions over the internationalisation of the non-

Confrérence Pan-Européenne tenue à Vienne les 3-6 octobre 1926 au sujet de la question des minorités par M. Le Dr Adalbert de Poka-Pivny, ancien Conseilleur (Groupe de Budapest), ERA.1622.1.258, pp. 81-82; Viini kongress. Vabariigi Välisministrile. Pariis, 14. oktoobril 1926 (Pusta's report on the Pan-European Congress in Vienna), ERA.1622.1.259, pp. 6-9.

1350 Published in: *Documents Relating to the Organisation of a System of European Federal Union* (Geneva: League of Nations, 1930), 9–14.

1351 "Pan-Euroopa ja wähemusrahwused. Dr. Ammende tähelepanuwäärt kõne," *Päewaleht*, February 14, 1930; Wilfan, "Der Genfer Minoritätenkongress," 17.

1352 For Congress' letter to Briand see *Sitzungsbericht des Kongresses der organisierten nationalen Gruppen in den Staaten Europas 1930*, 145; Housden, *On Their Own Behalf*, 226.

1353 Housden, *On Their Own Behalf*, 224.

1354 Pauli Heikkilä, "Northern Replies to the Briand Memorandum in 1930," *Scandinavian Journal of History* 32, no. 3 (September 1, 2007): 216.

1355 Hirschhausen, "From Minority Protection to Border Revisionism."

1356 Housden, *On Their Own Behalf*, 229–36.

territorial autonomy model in the Pan-European Movement by focusing on Kaarel Robert Pusta's (1883-1964) rejection of it. In essence, the arguments he put forward were very similar to the ones by Skala but also to the ideas in the Estonian parliament; yet now in a more complicated international constellation. However, at the same time, Pusta actively promoted Estonia by stressing the liberality of this law.

At the first Pan-European Congress in Vienna in October 1926, Kaarel Robert Pusta addressed the illustrious audience in the Wiener Konzerthaus. Pusta was among the leading diplomats of Estonia and at this time, he was the Estonian ambassador in Paris. As a part of this professional experience, even before passing the Estonian Law on Self-Government for National Minorities in 1925, Pusta had often dealt with the minorities question in the international arena, in particular at the League of Nations, mainly explaining the situation in Estonia.[1357] Pusta was also very active in the Pan-European movement, being in the Central Committee of the Pan-European Union,[1358] intensively collaborated with Coudenhove-Kalergi, and was one of the founders of the movement in Estonia.[1359] In 1927, together with Coudenhove-Kalergi and three additional activists, Pusta approched the French foreign minister Aristide Briand with a suggestion that there should be a special committee at the League of Nations to analyse possibilities of closer collaboration and integration in Europe.[1360]

Being one of the leading diplomats of interwar Estonia, Pusta often used various international fora to show Estonia in a positive light and to enhance its prestige. The Estonian minority protection system was a useful tool for this goal. At the Vienna meeting, Pusta used the opportunity not only to voice his and many Estonians' support for Coudenhove-Kalergi's movement, but also praised the Estonian law. He stressed its liberality and satisfaction of minorities: "Estonia, by a wise inspiration, has granted its minorities the status of broad autonomy which, in the opinion of those concerned, is the most liberal of those existing in the world today."[1361]

1357 See e.g. C. R Pusta, "La situation juridique des minorités en Esthonie," *Bulletin d'Esthonie*, no. Janvier-Avril N 18 (1922) Furthermore, minutes of the League of Nation meetings discussing the minorities question in Estonia are valuable sources- .

1358 Organisationsplan der Paneuropa-Union, ERA.1622.1.260, p. 2.

1359 On Estonia, Pusta and Pan-European Union see Pauli Heikkilä, "The Pros and Cons of Paneurope. Estonian Discussion on European Unification in the Interwar Period," *Acta Historica Tallinnensia*, no. 13 (2008): 68–91; Closer collaboration between Pusta and Coudenhove-Kalergi started in 1926 when Coudenhove-Kalergi proposed that Pusta should organize the movement in Estonia, see, Pusta Vabariigi Välisministrile, 29.05.1926, ERA.957.12.724, pp. 85-87. In 1952, Pusta wanted to nominate Coudenhove-Kalergi for the Nobel Peace Prize, Pusta to Coudenhove-Kalergi, 16.01.1952 and Coudenhove-Kalergi to Pusta, 30.01.1952, ERA.1622.2.46, p. 69-71.

1360 Piirimäe, "Federalism in the Baltic," 257.

1361 "Mesdames, Messieurs, Très grande est ma satisfaction…," 3.10.1926 (Pusta's speech at the first Pan-European Congress in Vienna), ERA.1622.1.259, p. 3-5; see also Pusta's report on the congress: Viini kongress. Vabariigi Välisministrile. Pariis, 14.10.1926 (Pusta's report on the Pan-European Congress in Vienna), ERA.1622.1.259, pp. 6-9.

In a similar vein, Pusta promoted the Estonian law in Paris a couple of months later. On December 17, 1926, Coudenhove-Kalergi gave a talk at the meeting of the *Comité National d'études sociales et politiques* in Paris, giving an overview of the first Pan-European Congress. After Coudenhove-Kalergi's talk, Pusta took the floor, emphasizing that Estonians as a small nation are supporters of the Pan-European movement. He moved on to the question of national minorities and stressed that, in Estonia, the question of minorities was in no way worrisome since "we have solved this issue for the better through the most liberal law of cultural autonomy."[1362] Pusta contemplated that although some minorities created tensions by sending petitions against dominant nations to the League of Nations, in the future minorities might play a more important role as they could be the agents of unification in Europe and would help to achieve cooperation between nationalities. Pusta concluded his intervention by asking Coudenhove-Kalergi's opinion about the role of minorities in the Pan-European movement. Coudenhove-Kalergi's short answer not only praised the Estonian model but proposed its universal application: "Precisely, the Republic of Estonia has just set a great example to the world in this respect, which will be followed by all the countries of Europe that want to resolve the question of minorities."[1363]

The fact that remarks of acclaim by Pusta were utterances of a diplomat who was doing the job of representing his state rather than reflecting his strong inner conviction is demonstrated by a more detailed account by Pusta. Within the Pan-European movement, Pusta acted as an expert on the question of minorities, and for the second Pan-European Congress to be held in Brussels, Pusta was appointed to head the minorities committee.[1364] As a result of this work, Pusta wrote a report, a minorities statute.[1365]

In the report, Pusta puts forward his own vision of minority protection in Europe. Along the lines of the states who had resentfully signed minority treaties, Pusta suggested sticking to the existing minority treaties and making them universal for all European states and applying them in the future Pan-Europe. As the representative of Estonia, he had also proposed this a few years earlier at the League of Nations.[1366] Pusta's minority ptotection provisions included the protection of life and liberty of citizens by the state irrespective of their origin, equality before the law, free

[1362] Le Récent congrès paneuropéen de Vienne et le paneuropéanisme. Exposé de M. Le comte Coudenhove-Kalergi. Séance du Vendredi 17 Décembre 1926, ERA.1585.1.709, p. 44.
[1363] Le Récent congrès paneuropéen de Vienne et le paneuropéanisme. Exposé de M. Le comte Coudenhove-Kalergi. Séance du Vendredi 17 Décembre 1926, ERA.1585.1.709, p. 45.
[1364] Protocol sur les résultats de la deuxième séances du Conseil central de l'Union Paneuropéenne, 02.05.1927 à Paris, ERA.1585.1.709, pp. 66-68.
[1365] Le statut de minorité [sic] et le rôle des minorités en Paneurope, ERA.1622.2.133, pp. 18– 22; for the draft see: ERA.1585.1.709., pp. 162-176; C. R. Pusta, "Le statut de minorité et le rôle des minorités en Paneurope," *Paneurope*, no. 6/7/8 (1927): 34–42; Carl Robert Pusta, "Das Minoritätenstatut und die Rolle der Minderheiten in Paneuropa," *Paneuropa* 3. Jg, H. 7 (1927): 6–15.
[1366] Pusta, Protection des Minorités en Esthonie, Rappport au Conseil de la Société des Nations, Genève, 29.08.1923, ERA.1622.1.233, p. 7.

usage of one's native tongue, and finally the freedom to establish social, religious, and charity organisations with their own funds. He also emphasised the importance of a tolerant environment within the state so that the groups would be able to learn to know each other. This is why Pusta considered it important to guarantee that minorities could freely use their own language and—an unusual idea—even proposed that there should be an obligation that all citizens of the state have to learn a minority language. In Pusta's argumentation, this would help avoid conflicts between nationalities within a state. It would also help to avoid a situation when the host state is trying to assimilate its minorities and a conflict over this question between a kin-state and host state. It is important to note that Pusta's point of departure was the rights of an individual within the state framework. He argued that it was the time to introduce these rights on the European level.[1367]

Regarding the safeguarding of collective minority rights on the European level, Pusta was more sceptical. In his report, he analysed the question of possivbility of creating a an international minority protection system based on the Estonian model where minorities would be internationally recognised legal persons (*la personnalité internationale*). He considered a system where each individual or group could turn directly to an international body after the inter-state court system had been exhausted, a desirable long-term goal in line with Greek diplomat's Nikolaos Politis ideas. However, he believed it to be unrealistic for the time being.[1368]

The challenge that Pusta saw in such a system was dividing competences between international and state bodies, and the procedures of discussing petitions. Pusta listed many challenges that would emerge in a system like this for which he had no clear solution. For instance, if the minority would be an internationally recognised legal person, then in the eyes of the League of Nations, the state and the minority would be equal parties. But if for instance Estonia had granted administrative autonomy to minorities in certain municipalities, who would guarantee protection to the Estonian minority in that area: the Estonian state or the League of Nations? What basis would there be then for refusing to recognise the Estonian minority as a legal person who wishes to protect herself from a minority who controls a local government? And where would state sovereignty and power lie in the entire scheme of things?[1369] The questions that Pusta raised were similar to the ones raised during the parliamentary discussions in Estonia, analysed in chapter six. Then, politicians had asked what the relationship between state institutions, local governments, and minority institutions would be, yet in the international setting these were indeed even more complicated.

[1367] Pusta, "Le statut de minorité et le rôle des minorités en Paneurope," 37–38.
[1368] Pusta, 39.
[1369] Pusta, 40–41.

Another important issue highlighted by Pusta was the complaints procedure. Pusta stressed that one should first go through national courts and only then advance to the international arena. He gave the example of the issue of property: if a member of the majority is somehow deprived of his rights in the matter of property, he would only have recourse to domestic law, while a member of the minority would be able to appeal directly to the League of Nations.[1370] This is why Pusta stressed that it was important to have not only the rights, but also the duties (*devoirs*) of the minorities fixed vis-à-vis the state.[1371] The principle that Pusta stressed was that each citizen, including minorities, in case of legal complaints, first had to go through the domestic judicial system and only if he or she had not achieved the protection of his or her rights could they turn to the international arena, to the League of Nations.[1372]

In conclusion, Pusta emphasised that the Estonian law was a very progressive and bold example of minority protection. Still, it was at times too liberal (*liberalisme parfois exessif*) and in its nature an experiment (*caractère d'essai*) rather than a ready-made solution to be universally applied.[1373] According to Pusta, the Diplomatic Academy in Paris also adopted the principles he had proposed in his report.[1374]

The position of Pusta regarding the minority statute is similar to that of the states that had to sign the minority treaties. In particular, Poland was a strong opponent of interpreting minority rights in a way that would enable them to bypass constitutional intra-state procedures, arguing that it would be an infringement on state sovereignty. Edvard Beneš argued in the early 1930s that minorities should not be recognized as legal personalities.[1375]

Pusta's analysis of the potential internationalisation of the Estonian model was part of a broader discussion that Natasha Wheatley has described as "ways of not being a state" and "spectral legal personality." This discussion revolved around the issue of collective minority rights and the possibility of creating international legal personalities. Since international law was in flux, the very concept of the state was under discussion as various other actors, like minorities, were now seen as bearers of rights and duties in the international arena. Legal scholars such as the former Greek foreign minister Nikolaos Politis, to whom Pusta referred, tried to reform international law and proposed it should focus on individuals instead of states.[1376] These debates had their roots in previous debates in Austria-Hungary over reframing nations as non-territorial

[1370] Pusta, 40–42.
[1371] Pusta, 35, 40, 42.
[1372] Pusta, 42.
[1373] Pusta, 34.
[1374] Pusta Vabariigi Välisministrile, 18.03.1929, ERA.4388.1.62., p. 14.
[1375] Wheatley, "Spectral Legal Personality," 776.
[1376] Wheatley, 754–55, 765–66; Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870–1960* (Cambridge: Cambridge University Press, 2001), 306.

legal persons.[1377] In these discussions, scholars asked questions like who could be a subject of international law? Could only states or also some other entities, like minorities, independently turn to international fora?[1378]

Why, despite his admiration of the liberality of the Estonian law, was Pusta reluctant to create an international minority protection system where minorities would be internationally recognised legal persons? The crucial context in Pusta's critique was the international activism of Baltic German noblemen analysed earlier in the chapter. Noblemen who had lost their property due to the Estonian and Latvian land reforms presented petitions against Estonia and Latvia to the League of Nations and used various means to make their case heard. One of the main figures in this international campaign was the former Consul of the Russian Empire in London, Baron Alphons Heyking. He used various high-level fora to voice his claims, such as the League of Nations, the Grotius Society in Londofn, the International Law Association, the League of Nations Society, and published numerous texts on the matter. Heyking, very much relying on a conservative, even estates-based understanding of society, emphasised that the national principle and democracy were not entirely compatible and argued that the League of Nations had to act as an organ to ensure international minority protection to reconcile this discrepancy.[1379] One of the core theses in Heyking's argumentation was that the Estonian land reform was a deliberate attack on the German minority. His activism significantly damaged Estonia's international image.[1380] As a result of his activities, he had become a persona non grata in Estonia.[1381]

Petitions and international activism help to understand Pusta's opposition to the possibility of groups turning directly to international bodies.[1382] When the Baltic Germans presented a memorandum on Estonian land reform to the League of Nations in 1921, the League did not give it a full official course since it did not treat it as a petition. In 1925, the petitions regarding the land

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1377 Wheatley, "Making Nations"; Kuzmany, "Non-Territorial National Autonomy in Interwar"; Braunias, "Die Fortentwicklung," 1936; Karl Braunias, "Die Fortentwicklung des altösterreichischen Nationalitätenrechtes nach dem Kriege," *Nation und Staat*, no. 9 (1936 1935): 226–38, 288–301, 358–70, 578–89.

1378 Wheatley, "Spectral Legal Personality."

1379 Richter, *Fragmentation*, 290–92; for an overview of Heyking's bureau in Geneva see Rudolf Michaelsen, *Der Europäische Nationalitäten-Kongreß 1925-1928: Aufbau, Krise und Konsolidierung* (Frankfurt am Main: Peter Lang, 1984), 47-53.

1380 See e.g. A Heyking, *The Baltic Minorities* (London: Grotius Society, 1919); A. Heyking, *The Main Issues Confronting the Minorities of Latvia and Eesti* (London: P. S. King & son, ltd., 1922); Alphons Heyking, "The Minorities' Rights and the Baltic States," *International Law Association Reports of Conferences*, no. 30 (1921); Made, *Külalisena maailmapoliitikas*, 148.

1381 -rm, "A.Heykingi 'ajaloolisest' broschüürist," *Päevaleht*, February 16, 1923; J F, "Sakslased ja wähemusrahvuste autonoomia," *Kaja*, February 23, 1922; M M, "Rahwasteliidu ühigute konwerentsilt. Parun Alfons Heykingi jant," *Koit*, July 10, 1923; "Wähemusrahwused ja Wiini otsused," *Teataja*, July 20, 1923; M R, "Wähemusrahwuste küsimus ja rahwasteliit," *Kaja*, September 26, 1922.

1382 Pusta had actually argued in 1924 that whereas the land reform was important and necessary for the society, inviolability of private property was one of the corner stones of modern society and thus, expropriated landowners must be given a compensation. See: Pusta, "Kas on vaja võõrandatud maade eest tasu anda, " 30.04.1924, ERA.1622.1.615, pp. 1-7.

reforms in Estonia and Latvia were also unsuccessful since they did not reach the Council of the League of Nations.[1383] The situation was, however, different around the time when Pusta wrote his report. In 1926, the representatives of Estonia's and Latvia's Germans who had been deprived of their property sent petitions to the League again. This time, Erik Colban, the director of the League's Minorities Section, was rather supportive of these petitions. The petition against Latvia was even discussed by the Council of the League of Nations, although eventually due to the unwillingness of the United Kingdom and France the issue fell off the agenda.[1384] Obviously, international activism by Heyking and other similar actors was an unpleasant topic to deal with for an Estonian diplomat but it was even more of an issue if there were chances that these petitions would have had some clear impact.

Thus, the text written for the Pan-European union should be seen not only in the framework of the Union or Pusta's own personal interest in the movement, but more broadly as an example of diplomatic endeavours of the states bound to Minority Treaties and Minority Declarations in the context of international minority activism of the dispossessed nobility. The process described above helps to understand why Pusta stressed that the minorities question in Estonia was not problematic as the parliament had passed the liberal cultural autonomy law but was against universalising it in a way that minorities would be able to present petitions directly to the League. The minorities also planned to turn to the International Court of Justice in the Hague. As part of countering these minority petitions, Pusta sent his critical report to Erik Colban regarding the universalisation of the Estonian law.[1385]

Coming back to the Pan-European movement, despite Pusta's overall negative assessment of the possibility of internationalising the Estonian law, it continued being, at least episodically, an exemplary model within the Pan-European movement. Not only was the model discussed within the organization, it also became a programmatic element of the Union. Namely, for the *Congrès Européen-Europa Kongress* in October 1932 in Basel, Coudenhove-Kalergi drafted the "Programme of the European Party." The aim of the party was to move towards the United States of Europe to safeguard "internal and external peace, economic and social development, personal and national freedom."[1386] Coudenhove-Kalergi proposed that ethnic minorities must have a "guarantee of all European minorities based on the examples of Switzerland and Estonia."[1387] The fact that Coudenhove-Kalergi as a skilful diplomat tried to be agreeable and draw Switzerland, the host country of the Congress, into the Pan-European movement, probably played no small part in the

[1383] Made, *Külalisena maailmapoliitikas*, 165–66.
[1384] Made, 166–69.
[1385] Erik Colban to Pusta, 29.09.1927, ERA.1585.1.709, p. 20.
[1386] Congrés europeen/Europa Kongress. Bale/Basel. 01.-04.1932, ERA.1622.1.266, p. 2.
[1387] Congrés europeen/Europa Kongress. Bale/Basel. 01.-04.1932, ERA.1622.1.266, p. 3.

inclusion of Switzerland alongside Estonia as the examples of proper minority protection legislation.[1388] The proposal of the Estonian law as a model to solve the minority question in Europe was seen as a positive compliment by Estonian commentators covering the congress in Basel.[1389]

Kaarel Robert Pusta wrote in 1929 in the preface to the Estonian translation of Coudenhove-Kalergi's book that "for Coudenhove and his friends, it is not the written theory which is important but the will to create a large-scale democratic European movement in order to preserve the economic, political, and cultural independence of our continent and, together with this, to preserve the freedom of individual peoples and peace."[1390] Coudenhove-Kalergi himself wrote that "Pan-Europe is a declaration of belief [*Glaubensbekenntnis*]."[1391] Indeed, the Pan-European Union was more a movement encompassing great personalities gathered around big ideas than a movement with ready-made detailed theoretical foundations. That makes the fact that the Estonian model was included in the programme even more remarkable. The main big idea that drew the activists together was stronger European integration and numerous additional principles, such as economic collaboration and the necessity to protect minorities, were drawn from this. This is also the reason why programmatic elements of this movement were often expressed in a rather general manner and were often changing. Coudenhove-Kalergi proposed at different points in time all three main models of rights: individual (language rights), territorial (the possibility of territorial autonomy) and non-territorial group rights (the Estonian model). Arguably, the Pan-European Union's episodic endorsement of this model was even more significant than the one by the European Nationalities Congress. While the Congress was a representative forum of minorities encompassing delegates from numerous European states, it was still a minorities forum and the representatives participating in its work had only limited influence in their respective states. The Pan-European Union, by contrast, was a forum of high-profile diplomats, politicians (including ministers and heads of governments), and intellectuals covering a broad spectrum of political affiliations.

The case of the Pan-European Union also shows the discrepancy between theory and practice. It is far easier to include novel ideas in visionary programmes than to practically implement these, which in many cases raises fears of practical challenges.

[1388] Congrés europeen/Europa Kongress. Bale/Basel. 01.-04.1932, ERA.1622.1.266, p. 3.
[1389] Heikkilä, "Pros and Cons of Paneurope," 87.
[1390] Kaarel Robert Pusta, "Eessõna," in *Paneuroopa Liit*, by Richard von Coudenhove-Kalergi (Tallinn: Paneuroopa, 1929), 2.
[1391] Coudenhove-Kalergi Richard Nikolaus, "Die europäische Nationalbewegung. Gesprochen in Berlin am 18. Dezember," *Paneuropa* 4. Jahrgang, Heft 1, Januar (1928): 1.

5. Conclusion

This chapter has analysed the discussions over the non-territorial autonomy model in interwar Europe. The Estonian law loomed large in these debates and numerous actors proposed that it was a model solution for how to deal with minorities within a state. In this broad positive coverage, it had something to offer for many. For the social democrats of Austria, it showed the importance of the theoreticians of their party and the enduring validity of their ideas. For scholars, it served as a novel research topic in a context when the minority question was extensively discussed among the scholarly and political communities. For many minority communities, it served as a useful model to strive towards, in particular for the Jewish and German minorities who lived dispersed across borders.

Some actors indeed intentionally embarked on a campaign to promote a broader introduction of this model in Europe. Already in the campaign for autonomy in Estonia, the Baltic Germans saw it as a part of an effort of minorities to secure legal protection in nation-states. While the Estonian government was not an advocate of introducing this model in other states, it used the law in the international arena to demonstrate its liberality and tolerance towards minorities—largely to counter the discrediting campaign by dispossessed German noblemen.

One of the main organisations advocating non-territorial autonomy model was the European Nationalities Congress, founded by the Baltic German circles who had fought for autonomy in Estonia. The organisation made non-territorial autonomy a cornerstone of their activities and lobbied for its broader application in interwar Europe. Although they were open to other forms of minority protection, such as territorial autonomy, they nevertheless had a very strong emphasis on non-territorial autonomy.

Another organisation within which the Estonian law was discussed, and where it even became a programmatic element, was the Pan-European Union. Although the Union's endorsement was episodic and was not necessarily backed with thorough theoretical considerations, it was an important high-level international forum drawing together influential statesmen and intellectuals. Thus, this organisation demonstrates the broad circulation of non-territorial autonomy in interwar Europe.

Despite broad positive acclaim for the Estonian law and the non-territorial autonomy model, several minorities, such as the Sorbs and the Poles, were sceptical about it. Coupled with fears that the organisation was an extension of German foreign policy, they left the Congress and launched harsh criticism about the very model and the organisation. The League of Nations, with whom the Congress wanted to collaborate to introduce non-territorial autonomy more broadly, ultimately rejected this model. The critical insights made by Sorb minority activist Jan Skala, Leage

of Nations rapporteur Ludvig Krabbe, and Estonian diplomat Kaarel Robert Pusta were to some extent motivated by other factors, such as anti-German sentiment and supporting a stronger nation-state. But they do raise important questions regarding the practical implementation of the model. Due to the varying nature of different minority communities and their native states, this model was not necessarily the one which would have been universally applicable.

Even if the model was hardly applied outside Estonia,[1392] in terms of conceptual history, the discussions in Estonia, passing the law, and international discussions over a broader application were in essence processes of conceptual universalisation. Christopher L. Hill, Stefan Nygård, and Johan Strang have argued that the movement of ideas, reworking ideas from a specific context for another one, is in essence an act of detaching them from the particularities of the original context. As a result, specific ideas are turned into more abstract ones, helping to universalise them. Furthermore, Nygård and Strang have written that intellectuals from peripheral contexts who are more interested in translating and adopting ideas play a crucial role in such a universalisation process.[1393]

A similar process happened with the non-territorial autonomy model. Initially, Renner and Bauer proposed it for the specific Austrian context. Numerous activists in other contexts soon read and advocated it for different settings: for their own diasporic communities, whether Estonians, Latvians, or Jews, as a principle to be introduced in a reformed Russia, or as an international minority protection mechanism. Thus, this model circulated in various forms: as translations of these works, newspaper articles, pamphlets, and political programmes. A further step in such universalisation happened when the actual law was drafted. It was designed for the specific Estonian conditions, but at the same time heavily relied on the general principles formulated by the advocates of non-territorial autonomy. It was thus detached from its original contexts. Even more important were the discussions in the international arena. These relied on the Estonian law and the general principle of giving minorities an independent non-territorial legal personality and some individuals and organisations advocated for the universal application of the model.

[1392] In 1927, Germans of Carinthia wrote a cultural autonomy law draft relying on the Estonian law but it did not pass the Carinthian Landtag. See: Kärtner Landesregierung to Hasselblatt, 30.12.1925, ERA.1000.1.148, unpaginated; Resumé du project de loi; Comparison avec la loi estonienne, LONA, S342/7/5, unpaginated; Werner Hasselblatt, "Die Kulturautonomie der Slowenen in Kärnten," *Nation und Staat*, 1927, 3–11; *Sitzungsbericht des Kongresses der organisierten nationalen Gruppen in den Staaten Europas 1927*, 29; Valentin Einspieler, *Verhandlungen über die der slowenischen Minderheit angebotene Kulturautonomie 1925-1930. Beitrag zur Geschichte der Slowenen in Kärnten* (Klagenfurt: Verlag des Geschichtsvereins für Kärnten, 1980).

[1393] Hill, "Conceptual Universalization," 146–48; Nygård and Strang, "Conceptual Universalization," 59–62.

Conclusion: Circulation and Rebirth

This dissertation aimed to analyse the discussions over the non-territorial autonomy model in Europe during the late tsarist and interwar periods. Furthermore, it aimed to study how this model functioned during the interwar years when, in 1925, the Estonian parliament passed the Law on Cultural Self-Government for National Minorities, based on which the country's Germans and Jews established their respective self-governments. In particular, the study focused on intellectual connections, traced how the discussions in Estonia were connected with other works about the model, and tried to reveal upon which texts the authors of various non-territorial autonomy projects relied.

Regarding the broader history of non-territorial autonomy, in the Habsburg Empire the Austro-Marxist thinkers drafted the most elaborate and influential theoretical works, but the model did not find broad support among politicians there. By contrast, in the Russian Empire, this model experienced a snowball effect, resulting in the second half of 1917 with a "non-territorial moment." In earlier years, Jewish thinkers like Simon Dubnow devised autonomy programmes, and politicians discussed the model and translated the works of Renner and Bauer into Russian. In particular, due to the advocacy of Jewish leaders, several political parties incorporated non-territorial autonomy into their programmes. In addition, several national movements included it as an adjacent tool to national-territorial autonomy. Interest and support for this model were much broader than in the Habsburg Empire. The second half of the revolutionary year of 1917 was particularly intense, as politicians discussed it in newspapers and party meetings and incorporated it into their programmes. In the autumn of 1917, it essentially became a shared programmatic demand of non-Russian nationalities of the empire when they convened in Kyiv and formulated the necessity to create a democratic federal Russia consisting of national-territorial units complemented with non-territorial autonomy for diasporic communities.

One of the key contributions of this study is the analysis of the discussions over non-territorial autonomy before Estonia declared independence in February 1918 and proposals for it in different political systems than a nation-state. In the existing literature, the history of non-territorial autonomy in Estonia usually starts with the Independence Manifesto of February 1918, which included this promise, and earlier years are usually mentioned only in passing as pre-history to the 1925 Law on Cultural Self-Government. This study has shown that different versions of the non-territorial autonomy model were prominently present in political discussions before the Independence Manifesto. For instance, conservative noblemen like Erich von Oettingen proposed that national curiae with taxation rights and curial control over the tax money of the respective

nationality would be a possible solution to reform the nobility-dominated diet of the Governorate of Livland. In such proposals, the main aim was to prevent the small Baltic German minority from being outvoted by the numerically overwhelming Estonians and Latvians.

In discussions over reforming the administration system of the Baltic provinces and reforming Russia, Baltic Germans opposed creating nationality-based federal units. For Estonian activists, however, this served as the core demand. Yet, since there were considerable Estonian communities in cities like St. Petersburg and Moscow and agrarian settlements in regions like Siberia, many Estonian national activists advocated non-territorial autonomy for these communities, in particular during the year 1917. These diasporic communities, particularly Estonians in Siberia, were engaged in hefty discussions over advocating cultural autonomy. In fact, when the Estonians wrote about non-territorial autonomy, they largely focused on these Estonian settlement communities rather than the specific Baltic context.

As mentioned, Baltic German noble elites opposed bringing ethnic and political borders into harmony. They argued that the three Baltic provinces formed one historical entity and should not be separated along ethnic lines into Estonian and Latvian governorates or nation-states. Thus, they drafted alternative state visions—even in 1919, when Estonia and Latvia had already declared independence—which encompassed these three provinces. In some of the projects, this united Baltic state would have had no ethnic administration units but would have been a federation of three nationalities as non-territorial bodies. This also brings our attention to the differences in advocating this model. For Estonian advocates in late tsarist Russia, it served as a tool to defend scattered Estonians and prevent assimilation. For Baltic German noble elites, non-territorial autonomy was part of the broader agenda of preserving power—to avoid totally losing political power and turning only into a small minority who could be easily outvoted in a democratic system.

The discussions showed that the model was well-known and belonged to the core concepts in the political discourse of the era. In fact, it was more prominent in political discussions in Estonia than existing studies have shown. In this study, I have argued that these discussions before declaring independence were also among the reasons why the authors of the Estonian Independence Manifesto included the promise of cultural autonomy for minorities and why the 1925 law was introduced. The model served as a useful tool to gain support for the state by minorities, but also to offer a possible answer to the minority question in the nascent Estonian state.

Further key findings of this study are related to the practice of minority self-governments. How the system of minority self-governments functioned has been largely an unstudied topic because, in Estonia during the Soviet period, minority history was not an acceptable research topic,

and for the scholars in the West, the archives were not accessible. In this study, I analysed the work Jewish Cultural Self-Government. Their experience with the model shows that they managed to encompass a vast majority of Jewish citizens of Estonia in the self-government. In general, the historical experience of Jews in Estonia and their societal position had been cardinally different from the Baltic Germans. The Estonian political elite was, in general, relatively anti-German, and this was also reflected in the societal perception of minority self-governments as nationalist forces often criticised the German Cultural Self-Government and far less the Jewish. In the Jewish case, the principle of separating political affairs from cultural affairs was also not strictly followed because the self-government participated in political Zionist organisations. Sources show that the authoritarian rule of Päts also had an ambivalent influence on the functioning of Jewish self-government. On the one hand, authoritarian rule introduced restrictions on minority self-governments, including the Jewish one. But also, in some cases, there was a stronger symbolic presence in the state architecture: in 1937, Jews were included in the assembly which drafted a new constitution for the authoritarian regime of Konstantin Päts.

Already before, Jewish activists were important in the circulation of the idea in the Russian Empire, and also Estonians partially relied on this work. The Jews of Estonia were also quick to readjust from being part of a broader Russian Jewry to being Jews of a small Estonian nation-state. In this readjustment process, they made non-territorial autonomy one of their core demands and voiced this to Estonian authorities.

One of the chief aims of this study was to situate the Estonian debates over non-territorial autonomy in the broader landscape of the discourse in Europe. Having analysed this broader discussion, traced direct and indirect textual references, and looked into the desks and bookshelves of the main protagonists, this study has revealed a rich interlinked discourse. The majority of the cases analysed in this study were connected with broader discourses. Most prominently, the chief theoreticians Karl Renner and Otto Bauer loomed large in these debates as many advocates or opponents either drew on their ideas or clearly understood that the non-territorial autonomy model was most prominently theorised by these thinkers. Although many read their works directly, many others accessed the model of non-territorial autonomy in a mediated way—either by reading translations of their works into Russian or popularising articles and pamphlets.

Although the Austro-Marxists played a central role in the discussions, it was not a one-way process of proposing and discussing their ideas and then ultimately drafting a law based on their blueprint. It was a complicated network of different circulating projects, translations, adaptations, and political programmes which condensed the complicated model into short slogans, articles, law drafts, and, finally, the Estonian law itself, which became an important element in the broader

European discussion over non-territorial autonomy. More specifically, to illustrate the entanglements of these projects, this dissertation studied the role of Hans Kruus. After having participated in the party meetings of the Russian Socialist-Revolutionary Party in the spring of 1917, Kruus became an important advocate of the model in Estonia, drawing heavily on the works of Renner and Bauer. He also relied on the advocacy of his own Socialist-Revolutionary party but also referred to the Jewish Bund. His and his party's advocacy possibly played a role in why the model ended up in the Estonian Independence Manifesto in February 1918. In the parliamentary campaign for minority autonomy, advocates did not only refer to Renner and Bauer, but also to these various parties in Russia that had advocated for it, as well as Kruus, who had advocated it for Estonians in Russia.

This study has also analysed the group-specific conceptualisations of autonomy that were so far unknown in the literature. For instance, the Jewish community in Estonia heavily relied on the programme of the Jewish Socialist Labour Party when they drafted their own autonomy agenda in Estonia in the spring of 1919. This is an example of how autonomy thinking evolved among a group, how one particular programme was reworked for the specific conditions and then voiced to the Estonian authorities. Similarly, the conceptualisations among Baltic Germans also have deeper roots in historical noble self-government. Several early projects by conservative Baltic Germans grew out of this tradition. Furthermore, this study also discovered that Baltic German advocates directly drew on some autonomy law drafts advocated by Germany, in particular a law project drafted by Moritz Sobernheim of the *Auswärtiges Amt*.

Thus, the process of drafting the Estonian minority protection law in 1925 was not a simple formulation of Renner's and Bauer's ideas. First, the discussions and projects in the final years of the Russian Empire were not a pre-history which would logically lead to this law. These were discussions in a different context and with different aims, yet they played a role in spreading knowledge about this specific model. And second, the study has shown several important factors that played a role in drafting this law during the interwar years—foremost intellectual history factors that have so far found superficial analysis in literature. This also included the broader discursive impetus from the discussions in the late tsarist period and the role of Estonian activists who had actively propagated it. Furthermore, the specific Estonian legal system and the existing municipal self-governments, based on which the minority self-government was designed as a political compromise, were also key factors influencing the final outcome.

In some cases, the sources do not reveal any direct theoretical work on which the authors relied, particularly the projects drafted by the conservative Baltic German noblemen. Whether they relied on some specific examples or devised the model themselves, these projects show that this

model circulated in political discussions. Furthermore, these examples also show that, in particular, during the transformation process, this model often emerged as a possible answer to some of the political challenges that new systems brought. This model was prominent not only during the collapse of the Romanov Empire but also later, when the Soviet Union collapsed.

It was thus a discourse, a process of interpretation and adaptation, and proposing this model in different contexts and with different political agendas, not a one-way road to minority self-governments. In this process of advocating non-territorial autonomy and drafting laws, Estonian politicians and minority leaders drew creatively on these various projects, reworking some principles for their specific conditions and omitting what was unimportant.

The discussions over the non-territorial autonomy model in the Habsburg Empire, in Russia, and in the specific Estonian context attest to the concept's prominence in the era's political languages. Furthermore, these accounts—both endorsing and rejecting—played a role in universalising the model. Here, I do not mean universalisation as universal acceptance but the act of making it into a more abstract principle. Authors writing about it often connected the model with a specific main theoretician or a political party, but by writing about it, they also condensed the main points of it. They extracted the core of it and discarded the Habsburg particularities, the intricate blueprint for an administrative system that Renner had finessed for Austria, the specific role this model played in a particular party programme in Russia, and so forth. One of the most important uniting red threads in all of the projects analysed here was non-territoriality: they aimed to design an administrative system where nations would be public, non-territorial bodies administering their own national-cultural affairs.

However, the Estonian case also played a crucial role in advocating the universal introduction of this model in interwar Europe. Estonia used this law to strengthen its positive image in the international arena, but minority activists embarked on a deliberate campaign to advocate a broader application of non-territorial autonomy in general and the Estonian law in particular to mend the perceived shortcomings of the minority protection system in interwar Europe. Thus, Estonian law became a prominent element in the broad discourse over non-territorial autonomy among numerous theoretical works and practical programmes.

This dissertation ends with the destruction of Estonian statehood in 1940 when together with the annexation of Estonia by the Soviet Union, the remaining Jewish Self-Government was closed down. In the postwar world, due to group-based persecution by the Nazis, also group rights were discredited. Thus, non-territorial autonomy was far less present in the postwar period but did not disappear entirely from political discourse. Some minority activists who had advocated it during the interwar period—for instance, Jacob Robinson—kept promoting it. Also, those who

had fled from Estonia to the West kept engaging with the model.[1394] There has been a renewed interest in the non-territorial autonomy model since the fall of the Soviet bloc, and several states have introduced legislation based on non-territorial autonomy, the most prominent example being the Hungarian legislation. Also, Estonia introduced a new Law on Cultural Autonomy for National Minorities in 1993. It was based on the law from the interwar period but was a considerably reduced version. Thus, since the early 1990s, non-territorial autonomy has been an essential part of political discourse in Estonia, and the discussions have mainly focused on the large Russian minority, whose size quadrupled during the Soviet period due to internal migration from the rest of the Soviet Union.[1395]

Thus, in contemporary Europe, the model keeps circulating. Considering the increased scholarly interest and different legal arrangements based on the model, it is even more prominent than in the interwar period, when there were fewer examples of non-territorial autonomy legislation.

[1394] "Eesti minoriteetide kaitse sobib eeskujuks maailmale," *Eesti Päevaleht = Estniska Dagbladet*, February 28, 1973.
[1395] For different interpretations see e.g. Lagerspetz, "Cultural Autonomy"; Smith, "'Quadratic Nexus.'"

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