



Citizenship in historical perspective / edited by Steven G. Ellis, Guðmundur Hálfðanarson and Ann Katherine Isaacs
(Transversal theme ; 1)



323.6 (21.)

1. Cittadinanza 2. Individuo e società I. Ellis, Steven II. Hálfðanarson, Guðmundur III. Isaacs, Ann Katherine

CIP a cura del Sistema bibliotecario dell'Università di Pisa

This volume is published thanks to the support of the Directorate General for Research of the European Commission, by the Sixth Framework Network of Excellence CLIOHRES.net under the contract CIT3-CT-2005-006164. The volume is solely the responsibility of the Network and the authors; the European Community cannot be held responsible for its contents or for any use which may be made of it.

Volumes published (2006)

I. Thematic Work Groups

- I. Public Power in Europe: Studies in Historical Transformations
- II. Power and Culture: Hegemony, Interaction and Dissent
- III. Religion, Ritual and Mythology. Aspects of Identity Formation in Europe
- IV. Professions and Social Identity. New European Historical Research on Work, Gender and Society
- V. Frontiers and Identities: Exploring the Research Area
- VI. Europe and the World in European Historiography

II. Transversal Theme

- I. Citizenship in Historical Perspective

III. Doctoral Dissertations

- I. F. Peyrou, La Comunidad de Ciudadanos. El Discurso Democrático-Republicano en España, 1840-1868

Cover: Ambrogio Lorenzetti (1285-1348 ca.), *The Effects of Good Government in the City and the Countryside*, fresco (central part), Palazzo Pubblico, Siena. © 1990. Photo Scala, Florence.



© Copyright 2006 by Edizioni Plus – Pisa University Press

Lungarno Pacinotti, 43

56126 Pisa

Tel. 050 2212056 – Fax 050 2212945

info-plus@edizioniplus.it

www.edizioniplus.it - Section "Biblioteca"

ISBN 88-8492-406-5

Manager

Claudia Napolitano

Editing

Francesca Petrucci

Informatic assistance

Michele Gasparello

Birth of a State: Formation of Estonian Citizenship (1918-1922)

HELEN ROHTMETS

University of Tartu

Kui Eesti Vabariik 1918. aasta 24. veebruaril välja kuulutati jäi noore riigi kodanikkond esimese hooga määratlemata. Selleks ei olnud lihtsalt aega, enne algas Saksa okupatsioon. Uus võimalus oma riigi asjade otsustamiseks saabus alles 1918. aasta novembrikuus, mil viimased Saksa väeüksused Eestist lahkusid. Maanõukogu võttis määruse Eesti Vabariigi kodakondsuse kohta vastu 26. novembril. See oli kaks päeva enne Vabadussõja puhkemist. Veel päev hiljem, 29. novembril, kuulutati välja üldmobilisatsioon. Kodanikkonna määratlemisega oli tuli takus – vabariik vajab kodanikke, kes asuksid täitma oma kodanikukohust riigi kaitsel.

Käesolev artikkel vaatab Eesti Vabariigi kodakondsuspoliitikat iseseisvuse esimesel neljal aastal, andes ülevaate nii esimestest kodakondsusalastest regulatsioonidest kui nende rakendamisest. Artikkel ilmub ETF granti nr. 5484 toel.

The fall of the Russian Empire in the revolutions, favored by the state's economic breakdown in World War I, paved the way to Estonia's independence. The Soviet Power enforced in the Russian Baltic Provinces at the end of 1917 did not last for long. The status and belonging of these provinces was an issue in the peace negotiations held between Soviet Russia and Germany in Brest-Litovsk. In February 1918, after the negotiations were broken off, the German offensive towards Estonia and Latvia forced the Bolsheviks out. Taking advantage of the short military interregnum, Estonia was declared a democratic republic within its historical and ethnic borders on 24 February 1918. The next day Tallinn, the capital city, was invaded by German troops. Although the establishment of the state institutions had to be postponed until the end of the German Occupation, a new state, the Republic of Estonia, had entered the historical arena.

According to a well-known definition of the state introduced by the Austrian lawyer Georg Jellinek at the beginning of 20th century, states consist of three essential elements: territory, people and the power (sovereignty)¹. However, the people in this sense do not consist of all the inhabitants in the state's territory, but of those who are members of the state and entitled to all the formal rights and obligations that this membership entails. These persons are the citizens, regarded as the basic among the three above-mentioned elements². By using their political rights, e.g. voting in elections, citizens 'give face' to the state. At the same time the state is forming and shaping itself when setting the parameters of citizenship. This produces a special relationship which is not shared with everybody and makes the decision on citizenship the central point of state politics.

This chapter is a case study investigating Estonian citizenship policy during the first years of her independence. In particular, it tries to find out what the main factors were influencing the decisions made on Estonian citizenship at the very beginning.

Hitherto no comprehensive survey of Estonian citizenship policy between the two World Wars has been published and only a few of its aspects have been treated. The option of Estonian citizenship in Soviet Russia has been touched upon in some respects by Hill Kulu and Eero Medijainen, and the problems related to the war prisoners discussed in the works of Karsten Brüggemann and Vahur Made (see Selected Bibliography). Based mostly on the materials of the Estonian State Archives³, this chapter attempts to launch a study on Estonian citizenship policy in the period of its formation, integrating its different aspects (Fig. 1).



Fig. 1
Map of Estonia with her neighbours.

THE FIRST LAW ON ESTONIAN CITIZENSHIP

Regulating citizenship issues was one of the most important tasks for Estonian policy makers after the German troops left the country in the early winter of 1918. The first Estonian citizenship law, 'Resolution Concerning the Citizenship of the Democratic Republic of Estonia', was adopted by the Estonian National Council on 26 November 1918⁴. It was two days before the outbreak of the war with Soviet Russia and three days before the general mobilisation of the Estonian Army was publicly announced. There was an urgent need for citizens to start fulfilling their citizen's duties: protecting the state against the enemy.

The text of the Resolution was quite liberal. All people, regardless of their ethnicity and faith, who fulfilled the following conditions were proclaimed Estonian citizens:

- 1) were permanently residing on the territory of the Republic of Estonia on the day the Resolution came into force;
- 2) had been subjects of the Russian State prior to 24 February 1918,
- 3) originated from the territory of Estonia or were entered in the parish registers held in the territory of Estonia.

The majority of the Estonian population met the Resolution's requirements. Nevertheless, there were many people who did not comply with the third criterion – were neither born nor registered in Estonia. For such people a simplified procedure of acquiring citizenship was foreseen if they had “vital interests” in Estonia. By this any kind of property, business, company or professional connection with Estonia was taken into consideration. Besides the proof of the existence of vital interests, an approval by the local municipality and confirmation that the applicant was able to sustain himself and his family was to be added to the applications for citizenship under this article.

The right to Estonian citizenship was also reserved for those subjects of the former Russian State who were temporarily away from Estonia. The length of such temporary absence was to be decided later by the Provisional Government. But this was never done. Nobody knew when the Estonians who had left the country during the Tsarist times or as soldiers or refugees during World War I could return, and giving such people an official status equal to that of foreigners was not wanted.

All the others could receive Estonian citizenship through naturalisation, and again, the terms were quite liberal: only permanent residence in Estonia for at least five years was needed. No language requirements were included not only in the first citizenship law in Estonia, but also in the relevant acts of the other new states like Latvia, Lithuania and Finland. However, the comment made by the Finnish lawyer R. Erich, that knowledge of the official language could have definitely favoured the application for Finnish citizenship⁵, can be considered characteristic also in the case of Estonia.

The citizenship regulation regarding minors and wives followed very much the international practice: minors had the citizenship of their parents; wives acquired the citizenship of their husbands. That principle was common all over Europe in the 1920s and was adopted by the states founded after the collapse of the Russian Empire⁶.

Authority to implement the Resolution was given to the Ministry of Internal Affairs (hereinafter referred to as the MoIA). According to its prescription, the issuance of citizenship certificates to people acquiring citizenship automatically (complying with the first three requirements) was to be the responsibility of the local governments which had to forward the documents to the ministry for a decision to be made only if there were any suspicious circumstances. The issues regarding citizenship of all the others, including foreigners, people with vital interest in Estonia and the absentees, had to be decided at ministerial level.

The starting point for the implementation of the law was all but easy. The state needed citizens but could provide them with very few benefits. The Estonian economy, which had been orientated to the markets of the Russian Empire, had to be reorientated to comply with the needs of an independent state. In other words, the economy was to be built up

from scratch⁷. The situation was even harder as at the same time the War of Independence was being fought with Soviet Russia. The inhabitants of the new republic lacked almost everything; the cost of living rose at an enormous speed. For example, the prices of common goods like firewood, herring, sugar and salt rose more than 400% during the period from January 1919 until April 1920⁸. The situation was the worst in the cities, the inhabitants of which often relied on support from relatives engaged in farming in the countryside.

The situation was further complicated because of the growing number of foreigners coming to Estonia from the other parts of the former Tsarist Empire and the continual influx of people with unclear background. The issue of Russian refugees had already been raised in 1919, when Estonia became a destination for people trying to escape the Russian Civil War, and a shelter for thousands of soldiers and officers (and their family members) of the Russian North-West army, led by Nikolai Judenitsh⁹. As the stay of the Russian refugees in Estonia was guaranteed by special acts and supported by the League of Nations, demanding not only special treatment for them, but also Estonian citizenship, that of the others had to be examined more closely. At the beginning of 1920 the Minister of Internal Affairs started to use his right to expel foreigners "according to his judgement and prescriptions", which was given him by the Safety Act in force. All the foreigners who had come to Estonia after 1 January 1915 and were entitled to the citizenship in the other new states like Latvia, Lithuania and Poland were ordered to leave¹⁰. However, as the Minister of Internal Affairs, Karl Einbund, explained in the press meeting after making this prescription, the expulsion concerned only these foreigners, who were "not valuable to the state"¹¹. But first of all, it concerned those who had committed criminal offences, had no work or a permission to stay in Estonia and were actively engaged in an anti-state policy.

In the multicoloured company of foreigners the disposition against the prevailing order was nothing unusual. The war with Soviet Russia was in progress and nobody knew what the outcome was going to be. Communist subversive activities, directed from the Soviet Union, were taking advantage of the difficulties in transforming the economy, the increased unemployment and increasing cost of living. Although those activities resulted only in 1924 in an armed *coup d'état* attempt, which failed due to the lack of support from the people and the army, the threat to domestic security was existent throughout the beginning of 1920s.

At the same time, thousands of people, both Estonians and non-Estonians, connected to Estonia in different ways and wanting to return for various reasons, were waiting on the other side of the border for their opportunity do so.

DECIDING ON CITIZENSHIP OF THE ABSENTEES

The text of the Resolution was liberal, but at the same time declarative enough to leave many issues for the implementer to decide. Among others, there was the issue of citizenship of the absentees. They were reserved the right of Estonian citizenship by law, but there were no rules on how to use that right. In principle all the subjects of the former Russian Empire who were not granted Estonian citizenship automatically became stateless per-

sons. However, there was a special law regulating the citizenship issues of the absentees in preparation in the MoIA in 1920, but it was never adopted. Apparently the draft was put aside when it was realised that granting Estonian citizenship automatically to everybody enrolled in the parish registers held in the territory of Estonia would mean giving it simultaneously to many foreigners without the possibility of checking their background¹². That kind of course of events was hardly favourable to a state already engaged with expatriation of foreigners.

As a matter of fact, all the absentees had a possibility to apply for Estonian citizenship through the Estonian foreign representations and they would have supported these applications if the person was not suspected of being unfavourable for the state¹³. However, the question whether to grant citizenship to those persons or not was for the MoIA to decide. For the state it was an acceptable arrangement: if the applicant did not have any strong connections with Estonia or had a suspicious political background, citizenship was denied.

In some cases, however, the processing of the application was suspended for a longer period before the final decision was made. This was often the case when deciding on granting Estonian citizenship to Baltic German political emigrants who had fled from Estonia before or during the war. These applications required special attention as there was a strong political opposition among the local governments where the information about the applicants was gathered against granting Estonian citizenship to emigrants who had been against Estonian independence and fought against the Estonian Army¹⁴.

For the Estonians who resided in the territory of Latvia and Soviet Russia, the chances of getting Estonian citizenship were clarified with the respective articles in the border agreements signed in 1920. Both agreements provided the people with Estonian origin residing in one of those countries with a possibility to opt for Estonian citizenship. In other words, to choose between citizenship of Estonia and citizenship of the state where they were residing. In 1921 a special agreement concerning the option was also signed with the Ukraine, although it concerned a smaller number of people than the other two agreements.

THE OPTION OF ESTONIAN CITIZENSHIP IN SOVIET RUSSIA

The option of Estonian citizenship in Soviet Russia was not only the most complicated one, but concerned the greatest number of people. There were approximately 200.000 Estonians (20% of the Estonian population) living in Soviet Russia in 1918, who had gone there on different occasions and for different purposes. The Estonians who had settled in Russian cities had often made a quick career either in science or business. However, the majority of Estonians were settlers who had emigrated in the 19th and at the beginning of the 20th century in order to get free land.

A drastic change in the life of Estonian settlers was brought about by the Russian revolution in 1917 and by the subsequent Civil War with its terror and war-communism policy. The new situation forced the emigrants to consider returning to Estonia, particularly as it had become an independent state. It was a widespread notion among the settlers that

after the lands were expropriated from the Baltic German landlords, there would finally be enough land for everybody¹⁵. At the end of 1920, the Head of the Control-Option Commission in Moscow wrote to Tallinn that he would have never believed the great interest in returning to their homeland among the rural population: “The confiscation of their property and the unprotected and outlawed situation has driven the people to desperation. Whole villages want to return to Estonia at all costs. Some villages plan to start their journey in spring by horse”¹⁶.

Besides, thousands of Estonians had come to the Russian territory in the course of World War I, both as refugees and soldiers. The return of those people became an issue right after independence was proclaimed. The real chance to bring them back came with the conclusion of the Treaty of Tartu in February 1920, ending the war between Estonia and Soviet Russia and giving simultaneously the first *de jure* recognition to the Republic of Estonia. The option had to be carried out within one year, which was later prolonged to two years. The complicated situation in Soviet Russia and the hopes connected with the homeland put tens of thousands of people in motion. Estonia had to arrange for the reception of this human avalanche.

Soon after the treaty was signed, the Minister of Foreign Affairs was ordered by the Government to arrange the return of the Estonians from Soviet Russia¹⁷. In May 1920 a special Control-Option Commission was established and sent to Moscow. Its departments were established in Petrograd (former St. Petersburg) and in Omsk (in Siberia) (hereinafter all called option commissions or commissions). It was agreed with Soviet Russia that all the people who wanted to opt for Estonian citizenship had to submit a relevant application to the commission in two copies, sending them by mail or forwarding them through local province authorities. In Moscow an applicant could also submit the necessary documents directly to the commission¹⁸.

The Soviet Russian authorities were hostile to the option process from the very beginning and did not hesitate to use force to hinder it. The applications were not properly forwarded to the commissions by the local authorities and it was not unusual for the property of the optants to be expropriated after they dared to submit the application. Violence was also used against the returnees. The first echelon of optants was stopped at the Jamburg Check-Point; optants were forced to take off their clothes and were brutally searched. All valuables, including money, were seized. This action was immediately followed by protest by the Estonian Government. The next echelons were saved from such brutality, although it was not unusual that the optants had to leave some of their belongings with the Soviet Russian border guards (Fig. 2).

CITIZENSHIP POLICY WITH TWO CENTRES

The commissions had to work closely with the Ministry of Internal Affairs. Before their departure it was decided in a meeting between the representatives of the commissions, the MoIA and Ministry of Foreign Affairs that the commissions should opt independently only the well-known public figures and persons they could personally recommend. All the other applications had to be sent to the MoIA for decision-making¹⁹. In reality the



Fig. 2
 "At the Optants' Check Point" [in Soviet Russia]. Cartoon from the Estonian journal "Meie Mats", 21 August 1920. The caption reads, "So, and now blow your nose, and then you can go".

commissions started to act quite independently, justifying that with the troubled situation in Soviet Russia and the fact that in many cases the background information about the optants who had lived in Russia for many years could only be found on the spot.

While the MoIA could accept the expanded authority of the commissions concerning the option of Estonians, problems started to arise in relation with the commissions' arbitrary actions in opting non-Estonians. Besides, the commissions started to grant entry permits to Russian refugees without asking the Ministry's permission. It was impossible to provide the commissions with such vast authority which would have meant giving up the central control on the citizenship policy and on the entry to the state's territory. Nevertheless, the commissions worked quite independently, ignoring the continual orders from Tallinn not to opt nor grant entry permits to foreigners without informing the Ministry. There were even cases when the refugees and prisoners were sent across the Estonian border without checking their political background, explained by the pressing need to improve their living conditions. By trying to help the suffering people, the commissions were, on the other hand, causing an uncontrolled flow of persons that the MoIA had to handle internally. Different standpoints started to clash, as the Ministry concentrated on the problems inside the country, trying to avoid overpopulation and flow of unknown people, whereas the commissions, especially in the border areas, were confronted day after day with people gathered there, sometimes without having a place to stay or money to buy food, in the hope of finding a better life.

In summer 1921 when the Minister of Internal Affairs, K. Einbund, sent the next note to the Commission in Moscow, threatening to dispatch the people coming to Estonia without the Ministry's permission, tempers finally exploded. In the reply a deep dissatisfaction with the Ministry's attitude was expressed. The Acting Head of the Commission contested the Ministry's right to give it instructions and orders. As he saw it, the Control-Option Commission in Moscow and its departments in Petrograd and Omsk were established by



Fig. 3
Train of Estonian optants, Moscow, summer 1920 (Estonian Archives).



Fig. 4
A glimpse inside the carriage of Estonian optants, Moscow, summer 1920 (Estonian Film Archives).

the Government and worked under the Ministry of Foreign Affairs as Estonian foreign representatives, and “would continue on deciding the option matters independently and conclusively”²⁰. As the authorisation for the latter was never given, the exchange of letters contesting each others’ decisions on granting Estonian citizenship lasted until the end of the option time in summer 1922 (Figs. 3-4).

RESTRICTIONS ON OPTING ESTONIANS

Simultaneously with the attempt of restricting the influx of foreigners, the state had to start to limit the return of ethnic Estonians. Only when the first echelon arrived in Estonia, the Mayor of Tallinn sent a letter to the Minister of Internal Affairs with a request to forward it to the commissions. He asked the commissions to keep in mind the shortage of apartments and food in Estonia and to give permission to return to only those persons, “who could contribute to the improvement of the economic situation”²¹. As a matter of fact, the economic hardship Estonia was facing had already been taken into account by the commissions. Priority was given to those who were expected to find a job more easily. In the Moscow Commission’s view, those persons were qualified workers, doctors, engineers, wealthy factory owners, teachers, scientists, artists, officials, etc. In the first rank, there were also families with many children. Only then would the time come for the rest. “There are quite a few of them – mostly maids, dressmakers, servants, mostly old maids./.../ It is not easy for them here, either, but in Russia they are ‘figures’ – they can work as officials in the governmental agencies, but in Estonia will probably face unemployment”. As the head of the commission noted, those people were opted without delay only if they had relatives in Estonia capable of supporting them with accommodation and food²². The option of the others had to be postponed until the end of the option period.

But even the return of these ‘selected’ ones caused problems in the homeland. Even the professionals whose option was the top priority in the commissions had to seek for a job for months. Some of them were wise enough to send a ‘job application’ before returning, as did the Head of the Physics Observatory in Petrograd, Mr. Vannar. Unfortunately, nothing better than the post of biology teacher in a secondary school, was offered²³.

Regarding the problems arising from the increasing number of unemployed people, a harsh decision was made “both in the national interests and in the interests of the optants” in April 1921. As was decided in a meeting between the representatives from the MoIA, the Ministry of Foreign Affairs and the Ministry of Agriculture, the option of certain groups of people had to be rejected. These people were: those over 50 years old and without property, if they did not belong to a family with a sufficient number of people capable of working; those under 55, but disabled and indigent; those requiring sustenance from the state and whose supporters remained in Soviet Russia; people who sponged on others in Soviet Russia and had no close family members or relatives in Estonia obliged to support them; farmers who had kept their land and household; and employees of clerical offices, bureaus or of other similar kind of institutions, if they were not professionals. Applications from people capable of working and thereby able to sustain themselves in Estonia had to be allowed as before. The others, however, had to wait for better times to come.

Together with these guidelines the commission received a mandate to decide independently on the rejection of applications from both Estonians and foreigners, and to send to the Ministry only applications that the commissions could approve.²⁴ Besides, the commissions were granted the right to refuse applications already approved by the MoIA, if they found additional information about the applicant in Soviet Russia that did not favour his or her acceptance²⁵.

Whether the members of the commissions were really able to refuse the applications of the indigent people was another question. One of the officials from the Moscow commission was in 1921 deeply moved by the 'heartbreaking' pleas of the poor Russians who had no connection with Estonia, and found it possible to justify granting them Estonian citizenship "for the sake of his conscience"²⁶.

FURTHER DEVELOPMENTS

The time for option in Soviet Russia was over in summer 1922. Within two years, 106 000 people had applied for, and 81.027 of them acquired Estonian citizenship. Compared with the whole citizenry, those were imposing figures – the former was 8.5% and the latter 6.5% of all the citizens of Estonia. But only half of those who had acquired citizenship arrived in Estonia. Why not the others? Certainly the repressions by the Soviet authorities played a part. Besides, the departure from the farther regions was often hindered by long train queues and the possibility of taking along only a few things. It was often preferable to stay in Soviet Russia with the property, instead of returning to Estonia in destitute. Besides, in 1921 new winds started to blow from Moscow – the transition to the new economic policy, introduced in 1921, gave the settlers hope for change. Unfortunately, the collectivisation starting in 1927 and the following repressions and deportation destroyed these illusions²⁷. However, the borders were not completely closed after the summer of 1922, and some of the people were able to return with the help of Estonian representatives, often under the smokescreen of being war refugees.

In 1922, the new Citizenship Law was adopted. As the explanatory note to the draft submitted to the Parliament explained, "many situations arising from everyday life could not be resolved during the application of the 1918 resolution. Some of these remained unsolved, while others were settled by considering the circumstances as there were no statutory grounds to rely on"²⁸. Deciding on citizenship matters was finally placed on firm statutory grounds. While the Resolution had defined the initial citizenry, the new law defined the principles of its succession, applying the *ius sanguinis* principle. This was a natural course of events considering that Estonia historically belonged to the German legal space, where the citizenship laws were predicated upon the principle of descent from the very beginning. In the explanatory note the application of the *ius sanguinis* principle was also justified by an attempt to "secure the state from an influx of suspicious persons".

In the second half of the 1920s, the Estonian economy also started to overcome the difficulties it had faced during the first years of independence. During this period the laws concerning the foreigners' work and residence permits in Estonia were softened. Simultaneously interest in acquiring Estonian citizenship rose among Russian refugees.

The figures showing the share of citizens in Estonia before the Soviet Occupation in June 1940 were remarkable – 98.5% of the inhabitants of Estonia were Estonian citizens.

CONCLUDING REMARKS

Estonia started to form its citizenship at a very difficult time. A harsh war was fought with Soviet Russia and the state was facing economical hardship with a great number of unemployed people and an increasing cost of living. Although the text of the first legal act regulating citizenship issues was liberal, setting forth no rules distinguishing on the basis of ethnicity, it remained rather declarative and left many questions to the implementer to decide. In these cases naturally the states' best interests were followed. First of all, there was a possibility to avoid granting citizenship to these people who had left Estonia before the beginning of war with Soviet Russia and who were not welcomed back. This concerned not only these Baltic German political emigrants who had been against Estonian independence and had later fought against the Estonian army in the lines of the *Landeswehr* military units, but also many people from Soviet Russia, which was not only a source of influx of people with unclear background, but a source of a real threat to independence – among others the Bolsheviks that left Estonia before the arrival of German troops were waiting to return.

At the same time the organisation of state affairs in arranging the option of Estonian citizenship in Soviet Russia left a lot to be desired. The unclear extent of authority of the option commissions caused permanent arguments and entry to Estonia of people the Ministry of Internal Affairs might have refused. There is no reason to doubt the sincere wish of Estonian policy makers to get back all their compatriots suffering in Soviet Russia under the war-communism policy. But it was not possible to follow the ideal without noticing that it had little to offer. The growing number of returnees hindered the already bad economical situation and again raised the question of national security. Among the returnees who could often find no job or land the communists could have found fertile terrain for their propaganda, promising everything to everybody.

There is no doubt that the first years of independence were the most difficult for exercising the policy on citizenship for the Republic of Estonia. However, these were also the most important. It was the time when the initial citizenry was formed, becoming the origin of the present citizenry by the application of the principle of *ius sanguinis* in 1922.

NOTES

- ¹ G. Jellinek, *Allgemeine Staatslehre*, 3rd edition, Berlin 1921, orig. ed. 1914.
- ² T. Annus, *Riigiõigus: õpik kõrgkoolidele* [State Law: Manual to Universities], Tallinn 2001, pp. 18-25.
- ³ In the footnotes referring to archival materials, the first number indicates the series of a certain institution: 975: Ministry of Foreign Affairs; 14: Ministry of Internal Affairs; 28: Control-Option Commission in Petrograd; 31: The State Chancellery; 33: Control-Option Commission in Siberia; 36: Control-Option Commission in Moscow; and 80: Parliament.
- ⁴ "Riigi Teataja" [State Gazette], 1918 (hereinafter RT), 4, p. 3.
- ⁵ R. Erich, *Suomen valtio-oikeus* [Finnish State Law], 1, Porvoo 1924, p. 211.

- ⁶ See for example, Richard W. Flournoy – Manley O. Hudson, *A collection of Nationality Laws of various countries as contained in institutions, statutes and treaties*, New York 1929.
- ⁷ J. Valge, *Eesti majandus ja majanduspoliitika aastail 1920-1924* [Estonian economy and economic policy 1920-1924], Kaks algust. Eesti Vabariik – 1920. ja 1990. aastad. Tallinn 1998, p. 81.
- ⁸ "Päevaleht" [Daily Newspaper], 17 April 1920, 85, p. 2.
- ⁹ V. Made, *Külalisena maailmapoliitikas. Eesti ja Rahvasteliit 1919-1946* [A Visitor in World Politics. Estonia and the League of Nations 1919-1946], Tartu 1999, p. 257.
- ¹⁰ RT 1920, 133/134, p. 1057.
- ¹¹ "Vaba Maa" [Estonian newspaper], 25 October 1920, p. 3.
- ¹² Eesti Riigiarhiiv [Estonian State Archives, hereinafter ERA], 957-8-134, p. 228.
- ¹³ ERA 14-1-503, p. 283.
- ¹⁴ ERA 14-1-482, pp. 288-289.
- ¹⁵ H. Kulu, *Eestlaste tagasiränne 1940-1989 Lääne-Siberist pärit eestlaste näitel* [The return migration of Estonians in 1940-1989: an example of Estonians from Western Siberia], Ph.D. thesis, Helsinki, 1997, p. 107.
- ¹⁶ ERA 33-1-25, p. 82.
- ¹⁷ ERA 31-1-214, pp 27-28.
- ¹⁸ ERA 36-1-1, p. 68.
- ¹⁹ ERA 14-1-522, p. 3.
- ²⁰ ERA 14-1-482, p. 58; pp. 353-355; Tooms, *Opteerimisliikumine ja Eesti jõudnud optandid* [Option movement and the optants who arrived in Estonia], "Eesti Statistika" [Estonian Statistics], 5, 1922, pp. 13-14.
- ²¹ ERA 14-1-522, p. 16.
- ²² ERA 957-11-593, pp. 67-70.
- ²³ ERA 28-1-12, p. 22.
- ²⁴ ERA 14-1-482, p. 36.
- ²⁵ ERA 36-1-238, p. 3.
- ²⁶ ERA 957-11-1101, p. 92.
- ²⁷ Kulu, *Eestlaste tagasiränne 1940-1989 Lääne-Siberist pärit eestlaste näitel* cit., p. 108.
- ²⁸ ERA 80-1-821, p. 6.

BIBLIOGRAPHY

- Alenius K., *Petserimaa ja Narvataguse integreerimine Eestiga ning idaalade maine Eesti avalikkuses 1920-1925* [Integration of Petserimaa and areas east to Narva and the reputation of the eastern areas in Estonian publicity in 1920-1925], "Akadeemia". 11, 1999.
- Brüggemann K., *Von der Sezession zur Okkupation: die Entwicklung der Estnischen Republik und ihre Beziehung zur Sowjetunion 1920-1940*, Hackmann, J. (ed.), Lübeck 1998.
- Csekey S., *Das Staatsangehörigkeitsrecht in Estland*, "Zeitschrift für Ostrecht", 4, 3, 1930.
- Kulu H., *Eestlaste tagasiränne 1940-1989 Lääne-Siberist pärit eestlaste näitel* [The return migration of Estonians in 1940-1989: an example of Estonians from Western Siberia], Ph.D. thesis, Helsinki, 1997.
- Made V., *Külalisena maailmapoliitikas. Eesti ja Rahvasteliit 1919-1946* [A Visitor in World Politics. Estonia and the League of Nations 1919-1946], Tartu 1999.
- Medijainen E., *Optieren für Estland – eine freiwillige oder eine erzwungene Migration 1920-1923?./ Mertelsmann Olaf (e.g.), Estland und Russland. Aspekte der Beziehungen beider Länder*, Hamburg 2005.
- Valge J., *Lahtirakendamine: Eesti Vabariigi majanduse stabiliseerimine 1918-1924* [Breaking off. Stabilisation of Estonian Economy 1918-1924], Tallinn 2003.

SOURCES

1. Excerpt from Estonian Declaration of Independence, “Manifesto to All the Peoples of Estonia” on 24 February 1918

Eesti rahvas ei ole aastasadade jooksul kaotanud tungi iseseisvuse järele. Põlvest põlve on temas kestnud salajane lootus, et hoolimata pimedast orjaööst ja võõraste rahvaste vägivalvalitsusest veel kord Eestis aeg tuleb, mil “kõik piirud kahel otsal lausa lõovad lõkendama” ja et “kord Kalev koju jõuab oma lastel õnne tooma”. Nüüd on see aeg käes. Ennekuulmata rahvaste heitlus on Vene tsaaririigi pehastanud alustoad põhjani purustanud. Üle Sarmatia lagendiku laiutab end hävitav korralagedus, ähvardades oma alla matta kõiki rahvaid, kes endise Vene riigi piirides asuvad. Lääne poolt lähenevad Saksamaa võidukad väed, et Venemaa pärandusest omale osa nõuda ja kõige pealt just Balti mere rannamaid oma alla võtta. Sel saatuslikul tunnil on Eesti Maapäev kui maa ja rahva seaduslik esitaja, ühemeelsele otsusele jõudes rahvalitsuse alusel seisvate Eesti poliitiliste parteidega ja organisatsioonidega, toetades rahvaste enese määramise õiguse peale, tarvilikuks tunnistanud Eesti maa ja rahva saatuse määramiseks järgmisi otsustavaid samme astuda: EESTIMAA tema ajaloolistes ja etnograafilistes piirides, kuulutatakse tänasest peale ISESEISVAKS DEMOKRATLISEKS VABARIIGIKS. [...]

Kuni Eesti Asutav Kogu, kes üleüldise, otsekohe, salajase ja proportsionaalse hääletamise põhjal kokku astub, maa valtemise korra lõpulikult kindlaks määrab, jääb kõik valitsemise ja seaduseandmise võim Eesti Maapäeva ja selle poolt loodud Eesti Ajutise Valitsuse kätte, kes oma tegevuses järgmiste juhtmõtete järele peab käima:

1. Kõik Eesti vabariigi kodanikud, usu, rahvuse ja poliitilise ilmavaate peale vaatamata, leiavad ühtlast kaitset vabariigi seaduste ja kohtute ees.
2. Vabariigi piirides elavatele rahvuslistele vähemustele, venelastele, sakslastele, rootslastele, juutidele ja teistele kindlustatakse nende rahvuskultuurilised autonoomia õigused.
3. Kõik kodanikuvabadused, sõna-, trüki-, usu-, koosolekute-, ühisuste-, liitude- ja streikidevabadused, niisama isiku ja kodukolde puutumatus peavad kogu Eesti riigi piirides vääramata maksma seaduste alusel, mida valitsus viibimata peab välja töötama.[...]

Never in the course of centuries have the Estonian people lost their ardent desire for Independence. From generation to generation Estonians have kept alive the secret hope that in spite of enslavement and oppression by other nations the time will come in Estonia “when all splinters, at both end, will burst forth into flames” and when “Kalev will come home to bring his children happiness.” Now this time has arrived. An unprecedented struggle of nations has destroyed the rotten foundations of the Russian Tsarist Empire. All over the Sarmatian plains ruinous anarchy is spreading, threatening to overwhelm in its wake all peoples living within the borders of the former Russian Empire. From the West the victorious armies of Germany are approaching in order to claim their share of Russia’s legacy and, above all, to take possession of the coastal territories of the Baltic Sea. In this fateful hour the Estonian National Council, as the legal representative of our land and people, has, in unanimous agreement with Estonian democratic political parties and organizations, and by virtue of the right of self-determination of peoples, found it necessary to take the following decisive steps to shape the destiny of Estonian land and people. ESTONIA, within her historical and ethnic boundaries, is declared as of today an INDEPENDENT DEMOCRATIC REPUBLIC.

Until the Estonian Constituent Assembly, elected by general, direct, secret, and proportional elections, will convene and determine the constitutional structure of the country, all executive and legislative authority will remain vested in the Estonian National Council and in the Esto-

nian Provisional Government created by it, whose activities must be guided by the following principles:

1. All citizens of the Republic of Estonia, irrespective of their religion, ethnic origin, and political views, shall enjoy equal protection under the law and courts of justice of the Republic.
2. All ethnic minorities, the Russians, Germans, Swedes, Jews, and others residing within the borders of the republic, shall be guaranteed the right to their cultural autonomy.
3. All civic freedoms, such as the freedom of expression, of the press, of religion, of assembly, of association, and the freedom to strike as well as the inviolability of the individual and the home, shall be irrefutably effective within the territory of the Estonian Republic and based on laws which the Government shall immediately work out. [...]

2. Excerpt from the letter from the Minister of Internal Affairs Karl Einbund to the Ministry of Foreign Affairs of 16 April 1921 concerning the option of Estonian citizenship in Russia. Eesti Riigiarhiiv [Estonian State Archives] 14-1-482, p. 36.

Kodakondsuse opteerimise teel walgub Eestisse palju niisuguseid isikuid, kes siin riikliselt seisukohalt waadates mingit kasu ei too, waid ennem kahjulikud on, aidates suurendada nende arwu, kes seltskondlisest toetusest elawad ja tööd ehk abi otsides linnawalitususte hoolekande osakondi ja teisi asutusi tülitawad. On ka neid, kes Wenemaal, kuigi mitte külluses elades, siiski läbi said, kuid siia jõudes oma lootustes petetud saawad, sest et nende tööala, mis Nõukogude Wenemaal kõige pahe pale waatamata siiski eluülewälpidamist teatawa mõöduni wõimaldas, siin aga seda ei wõimalda, sest et sellel tööalal siin pakkumine suurem on kui nõudmine ehk jälle suuremat oskust nõutakse, näituseks, bürootööde alal.

Paljuid meelitab siia lootus kodumaal maasaamise peale, ka neid, kellel praegu omal maa ja majapidamine wõersil wõrdlemisi lahketes oludes elamist wõimaldawad. Kuigi neil soow on armsale kodumaale tagasi pöörata, ei wõi neile praegusel momendil wastu tulla nende soowi täitmises, kuna meil lootust ei ole neid lähemal ajal maaga warustada, sest esimeses järjes on sarnaseks warustamiseks õigus meie wahwatel sõduritel ja selle järele neil, kes meile rasketel aegadel kodumaal wiibisid ja sõjaaja raskusi kandsid. Praegusel ajal wabasid maid ei ole ja seepärast oleks asjata lootust anda maasaamise pääle kodumaal nendele, kellel wõersil maa on, mis elamist wõimaldab, ja mida Eestisse minnes käest äraandma peab. Igatahes jääb nendel edaspidi lootus Eestisse pääseda, kui olud paranewad.

Sellepärast otsustati nõupidamisel Siseministeeriumis, millest osa wõtsid Põllutööminister ja Wälisministeeriumi esitaja, opteerimise alal järgmist korda maksma panna üleliigse optantide sissewoolu takistamiseks nii nende eneste kui riiklistes huwides.

Tagasi lükata tulewad opteerimise palwed nende poolt:

1. kes on üle 50 aasta wanad ja ilma waranduseta, kui nad mitte perekonna hulka ei kuulu, kus tarwilisel määral tööjõulisemaid isikuid olemas;
2. kes alla 55. a wana, kuid tööwõimetu ja waranduseta;
3. kes ainult siia toitmisele tulewad ja kelle toitjad perekonnaliikmed Wenemaale jääwad;
4. kes Wenemaal teiste kulul elawad wõi teiste ülewälpidamisel on ja kelle Eestis lähemaid sugulasi wõi perekonnaliikmeid ei ole, kes neid kohustatud oleks ülewälpidama.
5. kes põldu hariwad ja kellele maa ja majapidamine alles;
6. kantselei- kontori ja teiste sarnaste asutuste ametnikud ja äriteenijad kui nad mitte eriteadlased ei ole.

Kõik eestlased, kes tööjõulised ja warandusega, ehk kui waranduseta, aga töö- ja tegujõulised produktiivseks tööks Eestis, on endiselt soowitawad. Tööwõimetuid rahwusmajanduslikult

mitte produktiivseid elanikke tuleb kindlasti tagasi hoida, kuigi nad Wenemaal wiletsuses ja hädas [...]

Through option of the Estonian citizenship, such people are coming to Estonia in great numbers who bring no profit to our state, but are rather causing harm by helping to increase the numbers of those who live on social support and, while looking for work and assistance, frequently trouble the social welfare departments of the city governments and other institutions. There are also others who, although not living in wealth, have still managed to get by in Russia, but upon their arrival here will be disappointed in their hopes, as they realise that the job they did in Russia, despite everything, enabled them at least to gain some kind of sustenance, while failing to do it here, as the supply of employees for the same job here is higher than the demand, or higher skills are required here, for example in case of office jobs.

A number of people are also attracted by the hope to receive land in their homeland, including those, whose land and households on the foreign soil enable them to carry on quite comfortably where they are. Although they are entertaining a wish to return to their beloved homeland, we are not in the position to fulfil that wish at the moment; granting them any land in the near future is impossible, as the first ones in line are our brave soldiers, who have the right to receive land, followed by those people who stayed here at home during the hard times, bearing the difficulties of the war. Currently, no free lands are available for them, therefore it would be wrong to give any hopes to such people who have land abroad which enables them sustenance and which they should give up when returning to Estonia. However, they will have a hope to return in the future, when the circumstances improve.

Therefore, a decision was taken at the meeting held in the Ministry of Internal Affairs and attended also by the Minister for Agriculture and a representative from the Ministry of Foreign Affairs, to enforce the following rules and procedures regarding option, in order to restrain the excessive influx of optants, both in the latter's own interests and in the interests of the state.

To reject the option applications submitted by the persons who are:

1. over 50 years old and have no property, unless they belong to a family with a sufficient number of people capable of work;
2. aged under 55, but have no capacity to work, or have no property;
3. only needing sustenance by the state and whose supporting family members remain in Russia;
4. living in Russia at the expense of or upon sustenance by others, having no close family or relatives in Estonia who would be obliged to support them;
5. farmers having kept their land and households;
6. clerical, office and other similar employees and business servants, provided they are not specialists or experts.

All the Estonians who are capable of work and have property, or if without property, are capable of productive work in Estonia, are welcome as before. Return of those incapacitated to work or economically non-productive residents should be avoided, although they may be facing hardships and misery in Russia. [...]

