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LANGUAGE OF LULLABIES: THE RUSSIFICATION AND DE-RUSSIFICATION OF THE BALTIC STATES

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In teaching Russian, before anything else, we must inculcate love. . . . We must rear interest and love for the Russian language and the Russian people.[1]

I love the language of those lullabies
And tales that I heard in childhood
But it told of boundless distances and all.
A fellow citizen gave to me in friendship
Another language.
I went across the mountain with him
To perceive the grandeur of the Motherland.
Then was the language mighty, in which
Il'ich[2] *wrote and spoke.*
With all my heart, son of a mountaineer, I came
To consider that great language as my own.[3]

All animals are equal, but some animals are more equal than others.[4]

INTRODUCTION

With over five thousand languages and dialects in the world[5] and approximately two hundred countries,[6] most nations are home to a large

1. ISABELLE KREINDLER, THE CHANGING STATUS OF RUSSIAN IN THE SOVIET UNION 32 (Hebrew Univ. of Jerusalem, Soviet and E. Eur. Research Ctr., Research Paper No. 37, 1979) (quoting instructions to Russian teachers).

2. A respectful reference to Vladimir Il'ich Lenin, using his patronymic.

3. A. Galazov, *The Native and Russian Languages in Our Schools*, SOVIET EDUC., Oct. 1965, at 46, 46 (unabridged translation of an article appearing in the Soviet publication *Norodnoe obrazovanie*, 1965, No. 3) (quoting the Avarian poet Rasul Gamzatov).

4. GEORGE ORWELL, ANIMAL FARM 112 (1946).

5. *See, e.g., Ethnologue Europe* (visited Nov. 13, 1997) <http://www.sil.org/ethnologue/countries> (cataloging more than 6,700 languages spoken in 228 countries). This figure includes languages spoken by relatively few people. There are 242 languages in the world which are spoken by at least one million people. *See* THE WORLD ALMANAC AND BOOK OF FACTS 642–43 (1997).

6. *See* WHITAKER'S ALMANAC 777–81 (1997) (cataloging 226 countries and territories).

number of people whose native language is different from the national language.[7] Laws on language are therefore very important in most countries of the world.[8] Language, for most of us, is more than just a means of communication. It is often a part of ethnic heritage and identity and is intertwined with culture, literature, and even lullabies.[9] Thus, language laws have important implications for the rights and treatment of linguistic minorities.[10]

Linguistic minorities have become a sudden and especially serious problem in the newly independent states of the former Soviet Union. There has been much controversy over the laws that the post-Soviet states have passed which impose the national language as the official language.[11] The Baltic states, Estonia, Latvia, and Lithuania, have been at the forefront of this controversy because they first confronted the issue of linguistic minorities and enacted some of the strongest laws to promote the national languages.[12]

Most scholars have focused on the negative effect of these laws on the linguistic minorities, most significantly, the Russian minority.[13] While

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7. For ease of reference, this article refers to the language of the majority of the citizens of the State as the "national" or "majority" language. It also refers to the national language of those States that have emerged from an ethnically or geographically based republic, even if at some time the majority population in that State was Russian. Thus, for example, Kazakh is referred to as the national language of Kazakhstan.

8. In the United States, for example, there are debates regarding whether English must be spoken in the workplace. *See, e.g.*, Robert D. King, *Should English be the law?*, THE ATLANTIC MONTHLY, Apr. 1997, at 55. For an interesting analysis of official English laws in the context of France's language laws, see Leila Sadat Wexler, *Official English, Nationalism and Linguistic Terror: A French Lesson*, 71 WASH. L. REV. 285 (1996). Another well known linguistic controversy exists for French language speakers in Quebec. *See generally* Leslie Green, *Are Language Rights Fundamental?*, 25 OSGOODE HALL L.J. 639 (1987).

9. For immigrants, native language is also a strong link to the past. *See* Sonia Bychkov Green & Ida Bychkov, *Bilingualism in Immigrant Children: A Preliminary Essay*, 72 J. OF JEWISH COMMUNAL SERVICE 339, 340 (1996). At the same time, the new language is an important part of their future. *See* Chae-kun Yu, *The Correlates of Cultural Assimilation of Korean Immigrants in the United States*, *in* THE KOREAN DIASPORA: HISTORICAL AND SOCIOLOGICAL STUDIES OF KOREAN IMMIGRATION AND ASSIMILATION IN NORTH AMERICA 167, 173 (Hyung-Chan Kim ed., 1977) (noting that "[b]ecause language is the symbol of culture and a medium through which culture is transmitted, language proficiency is absolutely essential for assimilation into a host society").

10. For an excellent discussion of state policies on language and the use of human rights in protecting linguistic minorities, see generally FERNAND DE VARENNES, LANGUAGE, MINORITIES AND HUMAN RIGHTS (1996). For background and general discussion of minority issues in Eastern Europe and the former USSR, see Rein Mullerson, *Minorities in Eastern Europe and the Former USSR: Problems, Tendencies and Protection*, 56 MODERN L. REV. 793 (1993).

11. These laws have taken various forms. *See infra* notes 17–20 and accompanying text.

12. *See infra* Part I.

13. *See, e.g.*, Marc Holzapfel, Note, *The Implications of Human Rights Abuses Currently Occurring in The Baltic States Against the Ethnic Russian National Minority*, 2 BUFF. J. INT'L L. 329 (1996) (arguing that the laws in the Baltic states discriminate against the Russian minority in those States and should be at least partially amended).

identifying the potentially discriminatory effects of these laws is important, it leaves unanswered the questions of why the laws were enacted and whether they are necessary to serve the legitimate goals of the State.[14] To answer these questions, we must examine these laws in their historical context and as a reaction to the language laws that existed under the Communist system.[15] This article argues that the laws for promotion of the national languages are a legitimate means for the Baltic states to establish their cultural independence from Russia and the former Soviet Union.

The article is organized in three sections. Part I examines the current language laws in Lithuania, Estonia, and Latvia and reviews and analyzes the effect that the laws have had on the States and on their minority populations. Part I then reviews the official justification for the current laws: to reverse the Soviet policy of Russification.

Part II examines the history of language policies in the former USSR. It begins by reviewing the Tzarist legacy and the language policies of the early Communist leaders who did not intend the nationwide spread of Russian. An assessment of Nikita Khrushchev's language theories and laws follows, focusing especially on his policy of "*sliianie*"[16] and the results thereof. Part II also discusses the results of Khrushchev's policies, specifically the increased status of Russian and the responses of Russian and non-Russian groups to these policies. Part II concludes with an examination of language laws of the post-Khrushchev Soviet leaders.

Part III then evaluates the language laws of the Baltic states to see if the justifications offered by the States have merit. It argues that the laws are justified for three reasons. First, when properly viewed in their historical context, the laws are a necessary response to Soviet language laws, especially those that promoted Russification. Part III asserts that the laws are a means of reclaiming the national languages. Second, though the laws may have some discriminatory effect, they do not violate interna-

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14. This formulation intentionally parallels equal protection scrutiny, which asks whether a law is justified by a sufficiently strong state interest and is closely tailored to serve that interest.

15. Of course, it is shortsighted to analyze the laws of the post-Soviet states or the USSR without understanding Russian history. *See, e.g.*, Molly Warner Lien, *Red Star Trek: Seeking a Role for Constitutional Law in Soviet Disunion*, 30 STAN. J. INT'L L. 41 (1994) (analyzing the prospects for rule of law in Russia in the context of Russian history). This article limits itself to only a brief discussion of pre-Soviet history. *See infra* text accompanying notes 134–137. *See also* ANATOL LIEVEN, THE BALTIC REVOLUTION: ESTONIA, LATVIA, LITHUANIA AND THE PATH TO INDEPENDENCE (2d ed. 1994) (noting that the history of the Baltic states is crucial in understanding their laws but arguing that the Baltic states should grant more collective rights to their Russian minorities).

16. This Russian word literally means "merging." In the context of language laws, it may also be translated more generally as "forced assimilation." Throughout the article, all translations are mine unless noted otherwise.

tional law. Third, the Baltic laws are not unique among the post-Soviet states. All of the newly independent states have, to varying degrees, attempted to regain their cultural and linguistic independence by enacting laws to promote the national language.

The article concludes by examining the lessons learned from Khrushchev's language policy and by examining why language laws are important. One of the great ironies of the Soviet legacy is that Khrushchev, viewed by many as a reformer, changed Soviet language policy to the point where Russification became the primary focus. This has both practical and theoretical relevance for the post-Soviet states. On a theoretical level, the lessons of Khrushchev's reign are valuable for understanding whether liberal language laws are possible. On a practical level, the policy of Russification led to the loss of native languages and the laws adopted by the post-Soviet states are a necessary response to that loss.

I. LANGUAGE LAWS IN THE POST-SOVIET BALTIC STATES

In 1991, the Soviet Union ceased to exist. The fifteen republics became independent states and began to develop their own constitutions, laws, and legal procedures. Of the post-Soviet states, the three Baltic countries have adopted the most interesting—and the most controversial—laws on language.[17]

Laws governing language take different forms: there are constitutional provisions that declare what is the official language of the State,[18] there are specific laws on language use in different areas of life,[19] and there are laws on citizenship requirements which include knowledge of the official language.[20] This section examines both citizenship and lan-

17. None of the Baltic states have Russian as the national language In fact, the Latvians, Lithuanians and Estonians are themselves linguistically different. Estonian is part of the Finno-Ugric group of languages which makes it similar to Finnish and Hungarian. *See* Susan E. Himmer, *The Achievement of Independence in the Baltic States and Its Justifications*, 6 EMORY INT'L L. REV. 253, 255–56 (1992). Latvian and Lithuanian are both from the Indo-European Baltic family of languages but are very different from each other. *See* ROMUALD J. MISIUNAS & REIN TAAGEPERA, THE BALTIC STATES: YEARS OF DEPENDENCE 1940–1980, at 1 (1983).

18. *See, e.g.*, LIETUVOS RESPUBLIKOS KONSTITUCIJA [Constitution] art. 14 (Lith.), *reprinted and translated in* 11 CONSTITUTIONS OF THE COUNTRIES OF THE WORLD (Albert P. Blaustein & Gisbert H. Flanz eds., 1994) [hereinafter LITH. CONST.].

19. *See, e.g.*, Law on Language (Feb. 21, 1995) (Est.), *translated in* MICHAEL GEISTLINGER & AKSEL KIRCH, ESTONIA—A NEW FRAMEWORK FOR THE ESTONIAN MAJORITY AND THE RUSSIAN MINORITY 139 (1995) [hereinafter Estonian Language Law].

20. *See, e.g.*, Law on Citizenship, of January 19, 1995 (Est.), [hereinafter Estonian Citizenship Law], *translated in* CENTRAL AND EASTERN EUROPEAN LEGAL MATERIALS: ESTONIA, LATVIA, LITHUANIA [hereinafter CEELM] (Vratislav Pechota ed., Release 31, Aug. 1995); Resolution on the Renewal of Republic of Latvia Citizens' Rights and Fundamental Principles

guage laws in the Baltic states[21] before proceeding to a discussion of reactions to these laws.

A. *Language Laws in Newly Independent Lithuania, Estonia, and Latvia*

1. Lithuania

Of the three states, Lithuania has the most liberal laws on citizenship but, like the other states, has enacted laws clearly designed to promote the national language.[22]

Lithuania's Constitution establishes Lithuanian as the "State language" and does not confer secondary status to any other languages.[23] In the freedoms granted under the Constitution, the freedom to use a foreign language is not included.[24] Similarly, in the provisions on education, the Lithuanian Constitution guarantees religious instruction if requested, but not instruction in a language other than Lithuanian.[25]

Lithuania's Law on the Legal Status of Foreigners provides that foreigners are "equal before the law regardless of their race, skin color, sex, *language* . . . ."[26] However, in the provision of the law that grants various political freedoms to foreigners, there is the noticeable absence of the right to communicate in a foreign language.[27]

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of Naturalization, of October 15, 1991, *translated in* CEELM, *supra* (Release 27, Nov. 1994) [hereinafter Latvian Citizenship Law]; Law on Lithuanian Citizenship, of December 5, 1991, *translated in* CEELM, *supra* (Release 16, Jan. 1993) [hereinafter Lithuania Citizenship Law]. In the Baltic states, the laws on citizenship have been at the forefront of the debate because requiring Russians and other minorities to speak the national language before they can become citizens has had an immediate negative effect on the linguistic minorities.

21. *See infra* Part III, discussing the language laws of some of the other post-Soviet states.

22. *See* Lithuanian Citizenship Law, *supra* note 20, art. 12. *See generally Them and Us*, THE ECONOMIST, Aug. 17, 1996. As will be discussed, *infra* Table 1 and Part III, the liberality of Lithuania's Citizenship Law may be due in part to Lithuania's relatively small percentage of Russians.

23. LITH. CONST. art. 14. In contrast, some of the other post-Soviet states have given Russian the status of a "second official language." *See, e.g.*, KONSTITUTSIIA RESPUBLIKI KAZAKHSTAN [Constitution] art. 7 (Kaz.), *reprinted and translated in* 9 CONSTITUTIONS OF THE COUNTRIES OF THE WORLD (Albert P. Blaustein & Gisbert H. Flanz eds., 1996) [hereinafter KAZ. CONST.] (establishing Kazakh as the official language of Kazakhstan, but giving Russian "equal grounds" in state and local administrative bodies); *infra* notes 340–344 and accompanying text.

24. LITH. CONST. arts. 25–26 (granting, primarily, freedom of expression, thought, conscience and religion).

25. *See id.* art. 40.

26. Law on the Legal Status of Foreigners, of September 5, 1991 (Lith.), art. 3, *translated in* CEELM, *supra* note 20 (Release 9, Apr. 1992) (emphasis added).

27. *See id.* arts. 8, 10, 12. These political freedoms include "freedom of thought, conscience and religion." *Id.* art. 8.

Of the three states, Lithuania has applied its citizenship law most liberally. Lithuania instantly granted citizenship to all those present in the State at the time of independence.[28] The majority of the population in Vilnius (the capital of Lithuania) was against granting citizenship to the "occupiers"[29] but the State chose to grant citizenship even to Russians in Lithuania.

The Law on Lithuanian Citizenship grants Lithuanian citizenship automatically to those people who were citizens of Lithuania on June 15, 1940 and to their descendants.[30] Although that provision is aimed at Lithuanians specifically, other provisions enable non-descendant Russians and other minorities to acquire Lithuanian citizenship as well. To become a citizen, an alien must pass an examination on the Lithuanian language, have a permanent residence in Lithuania for ten years, have a job or source of income, and pass an examination on the Lithuanian Constitution.[31] In accordance with this law, immigrants to Lithuania are given the opportunity—but are not required—to study the Lithuanian language and Constitution.[32]

2. Estonia

Estonia's Constitution establishes Estonian as the official language.[33] Estonia's Law on Language reiterates that Estonian is the state language and declares every language other than Estonian to be a "foreign language."[34] The law promotes the Estonian language by giving every citizen the right to use Estonian in dealings with governmental and other "institutions, enterprises and organizations."[35]

The Estonian Constitution gives parents "the final decision in choosing education for their children" and while it guarantees the "right to instruction in Estonian," it also states that educational institutions estab-

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28. *See* DE VARENNES, *supra* note 10, at 244.

29. *See* Rudolf Bernhardt & Henry Schermers, *Lithuanian Law and International Human Rights Standards*, 13 HUM. RTS. L.J. 249, 253 para. 27 (1992) (report to the Parliamentary Assembly of the Council of Europe on human rights in Lithuania).

30. Lithuanian Citizenship Law, *supra* note 20, art. 1. This date is significant because it is the date of the Soviet occupation of Lithuania.

31. *See id.* art. 12. Note also that unlike Latvia and Estonia, Lithuania does not explicitly prohibit citizenship for former members of the Communist party or the KGB. *See id.* art. 13. *But cf.* Estonian Citizenship Law, *supra* note 20, art. 21; Latvian Citizenship Law, *supra* note 20, art. 3.5.

32. Law on Immigration, of September 1, 1991 (Lith.), art. 7, *translated in* CEELM, *supra* note 20 (Release 15, Dec. 1992).

33. *See* EESTI VABARIIGI PÕHISEADUS [Constitution] art. 6 (Est.), *reprinted and translated in* 6 CONSTITUTIONS OF THE COUNTRIES OF THE WORLD (Albert P. Blaustein & Gisbert H. Flanz eds., 1994) [hereinafter EST. CONST.].

34. Estonian Language Law, *supra* note 19, art. 2(1).

35. *Id.* art. 4(1).

lished for ethnic minorities "shall choose their own language of instruction."[36] Article 22 of the Estonian Language Law only allows for the creation of schools taught in other languages when it is "in accordance with the needs and possibilities of the Republic."[37] Comments to this law indicated that this would only be allowed when there was a need to train a Russian-speaking specialist in a particular field.[38] In fact, the Estonian Parliament passed a law that would require the upper grades of all secondary schools be taught exclusively in Estonian by the year 2000.[39]

Like the Lithuanian Constitution, the Estonian Constitution focuses on the promotion of the Estonian language. It emphasizes the right to use Estonian in communication and public life.[40] However, the Constitution also protects against discrimination on the basis of language.[41] The Constitution provides that in areas where the majority language is not Estonian, "local government authorities may use the language of the majority of the permanent residents of that locality for internal communication, to the extent and in accordance with procedures established by law."[42] The last part of this provision leaves room for interpretation. For example, in 1995, the Estonian government rejected proposals by the heavily Russian cities of Narva and Sillamae to allow Russian to be used for official documents in those cities.[43] The Estonian government stated that the allowing the use of Russian in local government would contravene Estonia's language laws.[44]

Estonia's official position is that while the State does actively promote the use of the Estonian language, it does not tolerate language-based discrimination. Estonia has stated that "[d]espite a consistent and deliberate Russification policy carried out by Soviet authorities during the occupation of Estonia, the Government of Estonia wished to reiterate that

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36. EST. CONST. art. 37.

37. Estonian Language Law, *supra* note 19, art. 22. *See also* Raimo Pekkanen & Hans Danelius, *Human Rights in the Republic of Estonia*, 13 HUM. RTS. L.J. 236, 241 para. 56 (1992) (report to the Parliamentary Assembly of the Council of Europe on human rights in Estonia).

38. *See id.* (voicing concerns that such a narrow requirement would restrict the freedom of education).

39. *Estonians, Russians, and the Burden of History*, SWISS REV. OF WORLD AFF., Sept. 2, 1996, *available in* LEXIS, News Library, Curnws File (also noting, however, that Tallinn's Education Ministry has stated that this will be impossible to implement).

40. *See* EST. CONST. art. 51 (stating that "[a]ll persons shall have the right to address state or local government authorities . . . in Estonian . . ."); *id.* art. 52 (mandating that "[t]he official language of state and local government authorities shall be Estonian").

41. *Id.* art. 12.

42. *Id.* art. 52.

43. *See Estonia will not give Russian Language Official Status*, OMRI Daily Digest, July 19, 1995 (visited Nov. 13, 1997) <http://search.omri.cz/bin/omri/acgi$main_search>. Russians make up over ninety-five percent of the population of those cities. *Id.*

44. *See id.*

discrimination against Russians or any other ethnic group living in Estonia is constitutionally and legislatively forbidden."[45]

Estonia's Law on Cultural Autonomy gives very broad protections to ethnic and linguistic minorities.[46] This law provides that national minorities[47] have the right to preserve their language and to publish in their ethnic languages.[48] Estonia has also noted that it has increased language training for non-Estonian speakers.[49]

In contrast to Lithuania, Estonia has adopted more stringent laws on citizenship. Estonia also requires that aliens who wish to receive Estonian citizenship must, inter alia, "have knowledge of the Estonian language."[50] The law then elaborates on the requirement, stating that knowledge of the Estonian language "shall be general knowledge, required for day to day life, [including] listening comprehension ... conversation ... reading comprehension ... [and] writing."[51] The Citizenship Law grants an exemption to "[a]ny person who has completed basic, secondary or higher education in the Estonian language."[52]

The number of people in Estonia who are not Estonian citizens has been estimated as over 330,000.[53] Thirty percent of the 1.5 million residents are Russians.[54] Most of these residents are not Estonian citizens.[55] Between May 1992 and May 1996, approximately 75,000 Russian residents of Estonia became Estonian citizens.[56] At the same time, approximately 100,000 Russians applied for and received Russian passports from Moscow's embassy in Tallinn.[57] This decreased the number of "stateless"[58] persons in Estonia, but still leaves a large percentage of the

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45. *Comments by the Ministry of Foreign Affairs of Estonia on the Recommendations submitted by H.E. Mr. Max van der Stoel, CSCE High Commissioner on National Minorities*, 14 HUM. RTS. L.J. 221, 221 (1993) [hereinafter *Estonian CSCE Comments*].

46. Law on Cultural Autonomy for National Minorities (Oct. 26, 1993) (Est.), *translated in* GEISTLINGER & KIRCH, *supra* note 19, at 123.

47. This includes German, Russian, Swedish and Jewish minorities and ethnic groups of more than three thousand persons. *See id.* art. 2(2).

48. *Id.* arts. 4–5.

49. *See Estonian CSCE Comments*, *supra* note 45, at 222.

50. Estonian Citizenship Law, *supra* note 20, art. 6(3).

51. *Id.* art. 8.

52. *Id.* art. 8(5).

53. *See Estonians, Russians, and the Burden of History*, *supra* note 39.

54. *See infra* Table 1.

55. *See International Body Tells Estonia to Lower Citizenship Hurdle*, DEUTSCHE PRESS-AGENTUR, Dec. 3, 1995, *available in* LEXIS, News Library, Curnws File.

56. *See Estonians, Russians, and the Burden of History*, *supra* note 39.

57. *See id.* This number is an estimate because Russian authorities do not make public the names of the Russian residents who have opted for Russian citizenship. *See id.*

58. This refers to people who do not have Estonian citizenship and who do not have Russian citizenship, thus making them, effectively, not citizens of any state. This is possible because people who had been citizens of the Soviet Union did not automatically become Russian citi-

Russian population without citizenship. Estonia has, however, supported the recommendation of the Conference on Security Co-Operation in Europe (CSCE) High Commissioner for Minorities of increased dialogue with the minority population and recognized the importance of decreasing the number of stateless people in Estonia.[59]

In 1997, Estonia became the first post-Soviet State to stop recognizing Soviet passports.[60] Most Russians in Estonia were issued "alien passports" which do not confer rights of citizenship, but do give the holders the right to vote in local elections.[61] There is a concern that if the trend of Russians applying for Russian citizenship continues, Estonia will have a sizable minority population of permanent residents.[62]

3. Latvia

Like Estonia and Lithuania, Latvia has passed laws to strengthen and advance the Latvian language and has made Latvian its official state language.[63] The government of Latvia has promoted the teaching of Latvian in the various school levels and developed programs to further the teaching of Latvian.[64] Latvia has allowed for non-Latvian education, especially in places like Riga where Latvian students are in the minority.[65] At the same time, however, Latvia has recently tightened its Latvian language requirements in education and other areas of public life.[66]

The Latvian citizenship law is stricter than those in Estonia and Lithuania.[67] It requires applicants to have lived in Latvia at least sixteen

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zens when the Soviet Union dissolved, nor did they automatically become citizens of the State where they were living (with some exceptions—e.g. Lithuania, discussed *supra* text accompanying notes 22–32). But even in Lithuania, the State needed to officially grant new Lithuanian citizenship.

59. *See Estonian CSCE Comments*, *supra* note 45, at 221.

60. *See* Kristpher Rikken, *Soviet Passports Become Invalid in Estonia*, AGENCE FRANCE PRESSE, May 15, 1997, *available in* LEXIS, News Library, Curnws File.

61. *Estonians, Russians, and the Burden of History*, *supra* note 39.

62. *See id.*

63. *See* DE VARENNES, *supra* note 10, at 161 (citing Article 18, Language Law of the Republic of Latvia, Mar. 31, 1992); *see also id.* at 98 (noting provisions in legislation that make Latvian the "privileged" language in Latvian civil affairs).

64. *See Latvija Human Development Report 1996* (visited Nov. 13, 1997) <http://www.undp.riga.lv/hdrs/eng196/chap4e.html> (Chapter 4 of the United Nations Development Report, addressing the educational system in Latvia).

65. *Id.*

66. *See Latvia: Press Digest*, Reuter Textline: Reuter News Service—CIS and Eastern Europe, June 6, 1997, *available in* LEXIS, News Library, Curnws File.

67. *See* Adrian Bridge, *Latvian Law will Restrict Russians*, THE INDEPENDENT (LONDON), Nov. 27, 1993, *available in* 1993 WL 10896899. Before the law was passed, the Latvian parliament considered at least five different draft citizenship laws which differed in severity from immediate and unconditional citizenship for all residents to a permanent bar on the number of ethnic Russians who entered Latvia after 1940. *See id.* In Latvia, citizenship is important be-

years, to swear an oath of loyalty to Latvia, and to pass a language test which requires that the applicant must have "learned the Latvian at a conversational level."[68]

In Latvia, however, approximately 740,000 people (one third of the population) are not citizens and still hold the old Soviet passport.[69]

B. *Reactions to the New Language Laws: Opposition, Ethnic Conflict, and Russian Flight*

Criticisms of the current laws have come from academics[70] and the international community. The main concern is with potential human rights abuses; there have also been warnings of military conflict if Russia should decide to actively enforce the rights of its people.[71] Russia itself has been the strongest opponent of the laws.[72] The number of Russians who have been affected by the breakup of the Soviet Union and the new language laws is very high. Twenty-five million ethnic Russians—or one in every six Russians—now lives outside the Russian Federation.[73] As many as twenty million Russians live in former Soviet republics.[74]

Russia claims that the Latvian and Estonian language laws discriminate against the Russian minority in those states,[75] and has recommended that Latvia and Estonia follow Lithuania's example and grant citizenship to all people who were residents at the time of independence.[76] Russia's

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cause only citizens enjoy the rights of political activity as well as the right to own land, and the freedom to reside in and return to Latvia. *See* Jan De Meyer & Christos Rozakis, *Human Rights in the Republic of Latvia*, 13 HUM. RTS. L.J. 244, 245 (1992) (report to the Parliamentary Assembly of the Council of Europe on human rights in Latvia).

68. Latvian Citizenship Law, *supra* note 20, art. 3. Latvia later amended its citizenship law to eliminate a quota system which had allowed only two thousand aliens a year to become Latvian citizens. *See* Steven Erlanger, *Latvia Amends Harsh Citizenship Law That Angered Russia*, N.Y. TIMES, July 24, 1994, at A3.

69. *See* Reinhard Krumm, *Russians in Latvia—Neither Stateless nor Citizens*, DEUSTCHE PRESSE-AGENTUR, Jan. 13, 1996, *available in* LEXIS, News Library, Curnws File.

70. *See, e.g.*, Holzapfel, *supra* note 13.

71. *See* Doyle McManus, *Christopher Prods Baltics on Behalf of Their Minority Russians*, L.A. TIMES, Oct. 28, 1993, at A13.

72. *See generally* Aryeh Neier, *Watching Rights*, THE NATION, Feb. 14, 1994, at 187.

73. *See* Sonni Efron, *Becoming Strangers in Their Homeland*, L.A. TIMES, June 8, 1993, at H2.

74. *See Republics Lash Russian Vow of Ethnic Solidarity*, THE EDMONTON JOURNAL, Nov. 26, 1993, *available in* 1993 WL 8377529.

75. *See* Andras Fehervary, *Citizenship, Statelessness and Human Rights: Recent Developments in the Baltic States*, 5 INT'L J. OF REFUGEE L. 392, 394 (1993); *Foreign Ministry Press Briefing*, OFFICIAL KREMLIN INT'L NEWS BROADCAST, Feb. 13, 1997, *available in* LEXIS, News Library, Curnws File.

76. *See Foreign Ministry Press Briefing*, *supra* note 75.

anger at Estonia's language laws has been particularly intense,[77] causing Russian commentators to describe Estonia as "Russia's number one enemy."[78] Russia believes that the language laws in Estonia pose the chief barrier to the improvement of inter-ethnic relations.[79] Russians in Estonia perceive the Estonian policy as an attempt to exclude Russians.[80] They feel that they are discriminated against and repressed.[81]

These perceptions of repression in Narva and northeast Estonia are strongly exacerbated by economic disparities between Estonians and Russians. Estonia's economic achievement since its independence has been widely noted,[82] as it leads the Baltics in economic development.[83] However, in heavily Russian northeast Estonia, the economic situation is worse than in other parts of Estonia, with unemployment being estimated at 34.6 percent.[84] Many Russian-speaking workers have lost their jobs because of new laws requiring varying degrees of fluency for various jobs.[85] Some of the Russians in Lithuania who have lost positions of power due to the end of Soviet influence have lodged complaints of discrimination.[86]

The expressions of Russian rage and economic disparity have not fallen on deaf ears in the international community. The UN High Commissioner for Refugees has echoed Russia's concern, voicing his concern

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77. *See generally Honoured Enemy*, THE ECONOMIST, May 4, 1996, at 46. Russia's conflicts with Estonia have also revolved around border issues and Estonia's lack of deference to Russia. *See id.*

78. *Id.* When asked how he felt about that description, Mart Helme, Estonia's ambassador to Moscow, replied, "I think it is a very great honour . . . for a country as tiny as Estonia." *Id.*

79. *See Estonian CSCE Comments*, *supra* note 45, at 223.

80. *See, e.g., Estonians, Russians, and the Burden of History*, *supra* note 39 (noting a statement by an official of the Russians' United People's Party in Estonia that "the Estonians would be happiest if they could awaken one morning to find all the Russians gone"). Some anecdotal evidence reveals that Estonians are critical of Russia but not its people. *See, e.g.*, Michael Specter, *Estonians Cast a Wary Eye on Russian Election*, N.Y. TIMES, May 26, 1996, at A3 (" 'We like Russians,' said Lauri Laivre, 23, an economics student at Tartu University, who said his father was sent to a prison camp in 1949 by Stalin for being an Estonian nationalist. 'It is Russia that we hate.' ").

81. *See, e.g., Estonians, Russians, and the Burden of History*, *supra* note 39; Specter, *supra* note 80.

82. *See, e.g.*, Cord Meyer, *Estonia's Critical Role in Europe*, WASH. TIMES, Apr. 12, 1996, *available in* LEXIS, News Library, Curnws File. The head of the World Bank's Baltic Office stated in 1996, "we consider Estonia very much an example of good policy and of how the government can create an environment attracting lots of investment." *Id.*

83. *See Estonians, Russians, and the Burden of History*, *supra* note 39.

84. *See* Gerald Nadler, *Russians Feel Alone in Estonia; Ethnic Minority Fearful of Future*, WASH. TIMES, June 1, 1992, *available in* LEXIS, News Library, Arcnws File.

85. *See* Fred Hiatt, *Narva, Estonia: Spark in an Ethnic Tinderbox*, WASH. POST, Oct. 9, 1993, at A23 (reporting that the firings occurred in positions as diverse as cashiers in bakeries, waitresses, and postal clerks).

86. *See* Bernhardt & Schermers, *supra* note 29, at 254 para. 37.

over the plight of ethnic Russians in the Baltics.[87] In 1993, former Secretary of State Warren Christopher called upon the governments of the three Baltic states to give better treatment to their Russian minorities.[88]

The international community is interested in the situation because of concerns about serious ethnic conflict. For example, the Estonian town of Narva, located 150 miles from the Estonian capital of Tallinn, threatens to erupt.[89] The eighty thousand residents of Narva are mostly ethnic Russians.[90] These Russians claim that the Estonian laws disenfranchise them. Furthermore, they claim that the language laws foreclose hopes of attaining citizenship because of the harsh procedures. Due to these concerns, Russian Foreign Minister Andrei Kozyrev has proclaimed Narva to be "one of the most serious challenges to European stability."[91]

These ethnic "hot-spots" have increased fears of military intervention. Russia once had more than one hundred thousand troops in the Baltics.[92] By 1993 it had withdrawn its troops from Lithuania[93] and by 1994, Russia had withdrawn all troops from Estonia and Latvia.[94] However, Yeltsin had conditioned the withdrawal of Russian troops on the Baltics' protection of the Russian minority.[95] With the troops gone, Yeltsin lacks leverage. While it is unlikely Yeltsin would resort to force to protect the ethnic Russians, many fear that pro-Russian sentiment could lead to the rise of ultra-nationalist leaders (like Vladimir Zhirinovsky) who could resort to military force to protect the Russians in the Baltic states.[96] These Russian nationalists demand that the Baltic governments no longer treat Russians in the former republics as second-class citizens.[97]

Russia has not exercised subtlety in its assessments of the potential for violence, noting that "[t]here can't be military security when hundreds of thousands of people who make up an ethnic minority in some countries

87. *See* Tom Hundley, *Stateless in the Baltics: Russians are New Refugees*, CHI. TRIB., Nov. 26, 1994, at 12.

88. *See* McManus, *supra* note 71.

89. *See* Hiatt, *supra* note 85.

90. *Id.*

91. *Id.*

92. *See* McManus, *supra* note 71.

93. *See id.* This may be due to the fact that the largest number of troops had always been in Latvia, which was also where the Soviet Baltic fleet was headquartered and where many retired Russian naval officers had settled. *See id.*

94. *See Honoured Enemy*, *supra* note 77.

95. *See* Efron, *supra* note 73.

96. *See generally* Specter, *supra* note 80. *See also* Jonathan Sunley, *Moldova Syndrome: Restoring Russian Hegemony*, BUDAPEST SUN, Mar. 17, 1994, *available in* 1994 WL 9504116.

97. *See* Gidon Gottlieb, *Nations without States*, FOREIGN AFFAIRS, May 1, 1994, at 100.

of the region feel insecure and uncomfortable."[98] However, Russia's limited international resources and the universal international censure that would follow such an act makes the threat of reannexation very unlikely.[99]

The aggregation of ethnic discrimination, economic disenfranchisement, and the potential for violent conflict have caused the Russians (and other ethnic groups) to flee the new states, most of them going to Russia.[100] In a cruel irony, this has added to the tension between Russia and its Baltic neighbors. Russia has retaliated by cracking down on its foreign residents, including deporting thousands of people from other regions.[101] In addition, refugees are not permitted to resettle in Moscow or St. Petersburg due to housing shortages in those cities.[102]

C. *Justifications for the Laws*

The Baltic states have justified the laws by arguing that they are a necessary and legitimate assertion of state power to counteract a legacy of Russification. In fact, the Baltic states' demand for independence from the USSR was closely tied to fears that Soviet control would extend the loss of their language and culture.[103] Therefore, the new language and citizenship laws embrace "evolving concepts of national identity."[104] For example, Lithuania's Constitution even focuses on the preservation of the language in its preamble which notes that "[t]he Lithuanian Nation . . . [has] preserved its spirit, *native language*, *writing*, and customs. . . ."[105]

Latvia has also justified its national language laws with appeals to national identity, arguing that:

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98. *Foreign Ministry Press Briefing*, *supra* note 75 (statement by Vadim Borisovich Lukov of Russia's Foreign Ministry, expressing the need for bilateral dialogue between Russia and Estonia on the question of security).

99. However, one fact that makes it slightly more plausible is that, unlike most of other former Soviet republics, the three Baltic states have not joined the Commonwealth of Independent States (CIS) and thus have weaker political and economic ties to Russia. *See* Martin Sieff, *Smallest Baltic Nation Stands Tallest; Independent Estonia is Thriving*, WASH. TIMES, Apr. 2, 1996, *available in* LEXIS, News Library, Curnws File.

100. *See generally Refugees Pour Into Russia from 'Near Abroad,'* CURRENT DIGEST OF THE POST-SOVIET PRESS, June 15, 1994, *available in* LEXIS, News Library, Arcnws File. The 1994 estimate from Russia's Federal Migration Service was that there were close to 1.5 million refugees in Russia. *See id.*

101. *See* Celestine Bohlen, *Russia's Ethnic Tapestry is Threaded through with Bigotry*, N.Y. TIMES, Jan. 9, 1994, at E5.

102. *See* Efron, *supra* note 73.

103. *See* King, *supra* note 8.

104. *See Prepared Statement of Arthur C. Helton, Director of Migration Programs Open Society Institute Before the House International Relations Committee International Operations and Human Rights Subcommittee*, FEDERAL NEWS SERVICE, May 22, 1996, *available in* LEXIS, News Library, Curnws File [hereinafter *Statement of Arthur C. Helton*].

105. LITH. CONST. preamble (emphasis added).

> [O]ver the half-century of Soviet occupation, and the strenuous Russification policy, whereby now only less than one-fourth of non-Latvians living in this country speak the language, according to linguists, the Latvian language had reach the second stage of language extinction . . . Although [as a result of the language laws] a decisive historical shift to the acceptance of Latvian is well underway, the situation is still precarious; at least the threat of extinction of the Latvian language has receded.[106]

In order to assess whether these justifications are valid, it is necessary to examine the history of Soviet language policy and whether its effects were truly detrimental to Baltic ethnic identity.

II. HISTORY OF LANGUAGE LAWS IN THE USSR

A. *The Multilingual USSR*

Language policy was one of the most important issues in the multinational and multilingual Soviet Union. According to some scholars, Soviet language policy oscillated between favoring the minority languages and attempting to increase the influence of Russian.[107] Others note that language theory, "whether as the generator of language policy or only as its excuse" is significant in the policy setting, and that policy and theory have been changing away from Lenin's original position on languages.[108] It is important to examine the history of the language laws in order to understand exactly how they changed and what was done to give Russian its status in the Soviet Union. Khrushchev's policies are significant in this regard because it was Khrushchev who made strides away from the original "national in form, socialist in content" position espoused by the early Communist leaders.[109]

Prior to its dissolution, the Soviet Union was a multinational and multilingual country which used a largely ethno-linguistic basis for the territorial and administrative structure and distribution.[110] It contained over 102 national groups speaking, by some estimates, as many as 140 different languages.[111] The Soviet government structured the State so that most

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106. *History, Language, Identity and Culture of Latvia* (visited Oct. 15, 1997) <http://www.mta.bkc.lv/pub/history.htm#Language>.

107. *See, e.g.*, E. GLYN LEWIS, MULTILINGUALISM IN THE SOVIET UNION 51 (1972).

108. *See* Kreindler, *supra* note 1.

109. *See id.* at 11.

110. *See* Ralph S. Clem, *The Ethnic Dimension of the Soviet Union*, *in* CONTEMPORARY SOVIET SOCIETY 11, 11–13 (Jerry G. Pankhurst & Michael Paul Sacks eds., 1980).

111. *See generally* LEWIS, *supra* note 107, at 24–25.

of the largest groups had their own "areas."[112] There were four main administrative units. First, there were fifteen Union Republics which had the largest representation. Second in status were the twenty autonomous republics with powers outside the jurisdiction of the USSR Constitution and the constitution of the republic in which they were located. Third in status were the eight Autonomous Provinces, such as Birobidzhan and Nagorno-Karabakh, which were under the jurisdiction of the USSR, and for whom the Supreme Soviet adopted laws, after a recommendation from the republic in which they were located. Finally, the ten National Districts were the smallest units with the least status. The Soviet government created these areas for the symbolic representation of national groups. The National Districts accepted the laws of the USSR Constitution. With fifty-three administrative units representing national groups, a little over half of the USSR's nationalities had some sort of national territory and regional representation. Inadvertently, the Soviet system ensured the perpetuation of linguistic communities for this fortunate half.[113]

In the Soviet Union multi-ethnicity overlapped with multi-lingualism and the quality of ethnic relations was very closely linked to language attitudes and the consequences of language policy.[114] Inter-ethnic conflict between non-Russians was common in the republics, but the language policies of the central government created the greatest examples of ethnic competition within the republics. Moscow pursued a policy of "Russification" to assimilate the other republics into a Russian cultural identity by phasing out the use of other languages. In the republics, this policy forced linguistic confrontations into an easy taxonomy of the Russian versus the native, non-Russian.

Under the Soviet system, political factors were mixed in support of either minority languages or Russian. Generally, minority languages benefitted from prerogatives such as cultural inertia, promotion of "proletariat literacy," the alleged usefulness of these languages in helping minority nationalities acquire Russian as a second language, and the promotion of some of the minority languages in States that border the USSR.[115] However, federalist and ideological concerns favored the promulgation of Russian because of several factors.

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112. *See* JERRY F. HOUGH & MERLE FAINSOD, HOW THE SOVIET UNION IS GOVERNED 480–85 (1979).

113. In fact, Lewis goes so far as to say that "[i]t is doubtful however, whether the non-Russian national languages could have advanced as they have done, or have become so instrumental in promoting the cultural development of the nationalities" if it were not for the specific administrative structure of the Soviet Union. *See* Lewis, *supra* note at 107, at 58.

114. *See* RASMA KARKLINS, ETHNIC RELATIONS IN THE USSR: THE PERSPECTIVE FROM BELOW 55–56 (1986).

115. *Id.* at 55–59.

First, through a combination of cultural and political forces, Russian became the *lingua franca* of the Soviet Union.[116] Its very important role in Soviet society was unmatched by any other language.[117] In all of the republics, Russian was taught in the schools.[118] It was the main language of administration and science and was the language used by the army.[119] In general, Russian became so pervasive in the USSR that:

> [n]o important career can be pursued, no technical breakthrough recorded, no important decision implemented in [a language other than Russian]. All other languages play only limited political and social roles and approximate the importance of Russian only in cultural and social fields, and this within the borders of their respective Union republics, and never throughout the USSR as a whole.[120]

Second, Russian was the language of the Communist Party; it was the language spoken in the meetings of the General Assembly, and on a more ideological level, it was touted as the "language of the Great Lenin."[121] In an attempt to justify the necessity for learning Russian, one Soviet linguist noted, "Every historical language carries in itself not only new linguistic forms, but also a new socio-political content . . . . The Russian language is the first world language of internationalism, hostile to people being caught by cosmopolitanism."[122]

Finally, Russian was, and continues to be, one of the five most important world languages. As Professor Adler notes, if nothing else, "Russian is, above all, the language of prestige."[123] There is some dispute as to whether this was because of independent factors or because it was so widely promoted by Soviet language polices, particularly those of Khrushchev. The fact that Russian grew despite Lenin's original belief

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116. *See, e.g.*, William W. Derbyshire, *Russification versus De-Russification: Some Linguistic Thoughts*, *in* ETHNIC RUSSIA IN THE USSR: THE DILEMMA OF DOMINANCE 260, 260–61 (Edward Allworth ed., 1980).

117. *See* Tomas Venclova, *Two Russian Sub-Languages and Russian Ethnic Identity*, *in* ETHNIC RUSSIA IN THE USSR, *supra* note 116, at 249, 249–50.

118. *See* Kriendler, *supra* note 1, at 7 (indicating that "Russian was made a compulsory subject in all school of the Soviet Union" by a March 1938 decree of Stalin).

119. *See* Michael Rywkin, *The Russia-Wide Soviet Federated Socialist Republic (RSFSR): Privileged or Underprivileged?*, *in* ETHNIC RUSSIA IN THE USSR, *supra* note 116, at 179–87 *passim*.

120. *Id.* at 181–82.

121. Kriendler, *supra* note 1, at 22.

122. D. Zaslavskii, *Velikii iazyk nashei epokhi [The Great Language of Our Era]*, LITERATURNAIA GAZETA, Jan. 9, 1949, at 3, *quoted and translated in* MAX K. ADLER, MARXIST LINGUISTIC THEORY AND COMMUNIST PRACTICE 110 (1980).

123. ADLER, *supra* note 122, at 205.

that Russian should be on par with the other languages in the Soviet Union seems to indicate that Khrushchev's policies were instrumental.

B. *Soviet Language Policy*

In the USSR, linguistic origin was usually an important part of ethnic identity.[124] In the Baltic republics especially, language was always closely linked to ethnicity.[125] However, in the Central Asian republics, because of their particular development, religion, and tradition played a larger role in ethnic self-identification than language.[126] Soviet linguists never recognized this reality and insisted that even in these Central Asian republics language was always a key factor in ethnic self-identification. In keeping with Marxist theory, the leaders of the Soviet Union from Stalin to Gorbachev maintained, despite different policies, that changes in "linguistic identity" pave the way for changes in "ethnic identity." As Kozlov notes, "The importance of the community of language for general economic, political and other spheres of human activity is very great. Groups of individuals who change languages usually, in the long-term, also change their ethnic identity."[127]

" 'Language planning' refers to systematic policies designed to maintain or change existing language situations.' "[128] Soviet language planning may be defined as efforts by the government to change the structure or use of the languages of the Soviet Union. Language policies existed in the Soviet Union as goals that were set to affect the languages spoken by the citizens.[129] Therefore, Soviet policy can be categorized as "language-status planning" rather than "language-corpus planning."[130] That is, Soviet policy centered on changing the sociological position of the language rather than on changing the inner structure of the language.

These changes in sociological position were planned through various facets of language repertoires, including education, alphabets, and literature. Particularly in the realm of education, Lenin and Stalin made much progress in giving the non-Russian languages a firm basis. However,

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124. *See* KARKLINS, *supra* note 114, at 24.

125. *See generally* KRISTIAN GERNER & STEFAN HEDLUND, THE BALTIC STATES AND THE END OF THE SOVIET EMPIRE 68 (1993) (explaining that language is one of the "fundamental differences between the three [Baltic states]").

126. *See generally* S. Enders Wimbush, *The Soviet Muslim Borderlands*, *in* THE LAST EMPIRE: NATIONALITY AND THE SOVIET FUTURE 218, 219–220 (Robert Conquest ed., 1986).

127. VICTOR KOZLOV, THE PEOPLE OF THE SOVIET UNION 169 (Pauline M. Tiffen trans., Hutchinson Educ. & Ind. U. Press 1988).

128. Jonathan Pool, *Soviet Language Planning: Goals, Results, Options*, *in* SOVIET NATIONALITY POLICIES AND PRACTICES 223, 224 (Jeremy R. Azrael ed., 1978).

129. *See* Jonathan Pool, *Whose Russian Language? Problems in the Definition of Linguistic Identity*, *in* ETHNIC RUSSIA IN THE USSR, *supra* note 116, at 237, 237.

130. *See* Kreindler, *supra* note 1, at 1.

Khrushchev reversed this trend by reinstating the use of Russian in most areas of life.

Not only did Soviet policy vary in the areas of social language use it targeted but also, over time, in the different goals it pursued.[131] In fact, Professor Pool has noted that the Soviet Union "has been extraordinarily ambitious in its attempts to reshape an extremely complex linguistic situation."[132] Khrushchev's policies were the most ambitious because his language planning directly impacted Russification.[133] Of course even much of Khrushchev's policy was determined by the Soviet Union's Tsarist history and the influence of Marxist-Leninist theories.

C. *The Soviet Inheritance: The Tzarist Legacy and Marxist Theory*

Tsarist policies left the Bolshevik Russians in control of many non-Russian territories with different histories, cultures, and languages. Russian was the official language,[134] and "Russian chauvinism continually fed the flame of nationalism among the oppressed peoples."[135] Tsarist attempts at Russification had failed to various degrees, leaving the Bolsheviks with a multinational and multilingual mosaic.[136] Although the Bolsheviks criticized the Tsarist regime for many injustices and mistakes, neither the leaders nor, for that matter, Soviet scholars have criticized the rulers of Russia for their policy of "territorial aggrandizement and conquests."[137] They do criticize the Tsarist regime for the policy of "forced Russification and assimilation" and claim that Soviet policy ended this imperial goal. These claims were largely false. Though some early Bolshevik policies fostered national languages in those areas where independence movements supporting those languages had not previously been crushed, it is clear that Soviet language policy, and especially

131. Although the existence of a definite language policy in the Soviet Union will be an assumption of this paper, Adler offers some evidence to support this assumption. *See* ADLER, *supra* note 122, at 123–25.

132. *See* Pool, *supra* note 128, at 223.

133. For an example where this is discussed using language of instruction and non-Russian publications as measures, see Brian D. Silver, *Language Policy and the Linguistic Russification of Soviet Nationalities*, *in* SOVIET NATIONALITY POLICIES AND PRACTICES, *supra* note 128, at 250, 256–302.

134. It was the only language of the courts of justice, the government, schools and the administration. *See* WILLIAM M. MANDEL, SOVIET BUT NOT RUSSIAN: THE 'OTHER' PEOPLE OF THE SOVIET UNION 30–31 (1985).

135. HANS KOHN, NATIONALISM IN THE SOVIET UNION 41 (E.W. Dickes trans., George Routledge & Sons 1933).

136. *See* ADLER, supra note 122, at 114–15.

137. KONSTANTIN SYMMONS-SYMONOLEWICZ, THE NON-SLAVIC PEOPLES OF THE SOVIET UNION vi (1972).

Khrushchev's language policy, repeated that of pre-revolutionary Russia, in many respects.

Marxist theory also influenced the Soviet leaders. Although there is no coherent work by Marx or Engels on the subject of language, scholars in different countries have been able to piece together a few facts. According to Marxist theory, language and society are mutually dependent: language is a product of society, and society is a product of language.[138] More specifically, Marx and Engels felt that language was a product of the prevailing relationships between classes, and that language changed with the removal of one ruling class by another. Marx felt that changes in the process of production can lead to the disappearance of languages. These and other "orthodox" Marxist views were modified in many ways by the Soviet leaders, starting with Lenin. As Adler notes:

> We [can] see that [Marxist-Leninist and Marxist] theories have been changing since the Russian Revolution of 1917 and that they passed through a number of, often contradictory, stages .... It is a complicated story. If Lenin had subscribed entirely to the orthodox Marxist language theories perhaps history would have shown how close he was to them. But he did not do so—and his successors made use of his theoretical works in order to support their own, often distorted views.[139]

Because theoretical justifications and explanations are necessary for government policies, Soviet scholars formulated their ideas in accordance with the theories that were popular at that time. Many Soviet linguists and ethnographers, in keeping with the theory of ethnic transformation, argued that ethnic evolution is a natural process. Kozlov, for example, notes that language shift is part of an evolutionary process, and describes it as "a change in the basic vocabulary of the language, an expansion or contraction of its function ..., the spread among members of a given ethnic group of another language (*often the language of international communication*), the appearance of bilingualism and total transition to a second language, i.e. linguistic assimilation."[140] Kozlov differentiates between natural and enforced assimilation, and argues that in the USSR only natural assimilation has occurred.[141] However, since his definition of enforced

138. *See* ADLER, *supra* note 122, at 2.

139. *Id.* at 24.

140. KOZLOV, *supra* note 127, at 152–53 (emphasis added). For further explanation of this, see also Y.V. Bromley, *The Term 'Ethos' and Its Definition, in* RACES AND PEOPLES 17, 22 (I.R. Grigulevich and S.Y. Kozlov eds., 1974); Y.V. Bromley & V.I. Kozlov, *National Processes in the USSR, in* RACES AND PEOPLES, *supra*, at 116, 124–25.

141. *See* KOZLOV, *supra* note 127, at 154. The differentiation comes from Lenin's writings in which he argues that enforced assimilation is connected with capitalism, while natural

assimilation actually comes closer to describing Soviet language policy, and especially language policy under Khrushchev, it deserves reprinting in full:

> Enforced assimilation has been characteristic of countries with ethnic inequality (including Tsarist Russia) and employs a range of measures—such as a government and regional policy of assimilation in school education and other spheres of life—whereby the eradication of the language, culture and identity of ethnic minorities is attempted by force.[142]

Therefore, it is important to answer the question of how Khrushchev justified his policies to correspond with Marxist-Leninist theories of natural assimilation, and, conversely, why such polices were necessary if the Soviet Union was indeed moving toward greater ethnic assimilation.

D. *Language Laws in Independent Estonia, Latvia, and Lithuania: 1918–1940*

Before continuing the history of Soviet language policy, it is necessary to take a chronological detour and briefly discuss the short independent period of the Baltic states. Prior to 1918, Estonia, Latvia, and Lithuania were part of the Russian empire.[143] During that time, the right to use one's native language was limited in all areas of public life. No language other than Russian was permitted in the courts or governmental agencies at various levels.[144]

After the 1917 Russian Revolution, the Soviet government declared "the equality and sovereignty of Russia's nationalities" and the right of these nationalities "to free self-determination up to seceding and the organisation of an independent state."[145] From 1918–1940, all three states enjoyed independence.[146] During this time, all three had minority

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assimilation after the revolution will have progressive implications. *See* V.I. LENIN, 24 POLNOE SOBRANIE SOCHINENII [COMPLETE COLLECTED WORKS] 124–125 (1961).

142. KOZLOV, *supra* note 127, at 154.

143. *See* Dietrich A. Loeber, *Language Rights in Independent Estonia, Latvia, and Lithuania 1918–1940*, *in* ETHNIC GROUPS & LANGUAGE RIGHTS 221, 222 (S. Vilfan et al. eds., 1993). Of the three states, Lithuania was the only one that had a previous history of independence between the fourteenth and eighteenth centuries. *Id. See also* Himmer, *supra* note 17, at 256–61.

144. *See* Loeber, *supra* note 143, at 224 (citing Law on the Judiciary of 1864, amended 1889, art. 557 (Russ.) and Statute on City Administration of 1892, art. 74 (Russ.)).

145. UMOZURIKE OJI UMOZURIKE, SELF-DETERMINATION IN INTERNATIONAL LAW 15 (1972).

146. *See* Loeber, *supra* note 143, at 221.

linguistic and ethnic groups living within their borders.[147] The Baltic states experienced two distinct periods during this time.[148] First, they allowed non-majority languages (primarily Russian and German) to flourish during a liberal democratic period,[149] while promoting their own national languages as well.[150] In the second period, language laws were enacted that restricted the rights of the non-dominant ethnic groups.[151] In 1940, the three states became part of the Soviet Union under the Molotov-Ribbentrop Pact.[152]

E. *Lenin's Nationality and Language Policies*

On November 15, 1917, soon after they had seized power, the Bolsheviks published their Declaration of the Rights of the People of Russia. This document abolished all national privileges and restrictions, and promised equality, sovereignty, and the right to self-determination. Lenin's policy, as reflected in this early document and in many of his writings, was one of trying to attain political unity as an alternative to separation.[153] He argued that self-determination consisted of the right of secession, to be proclaimed by the "oppressor" nation, coupled with free

147. *See id.* The non-dominant ethnic groups were mostly Russians, Byelorussians, Jews, Germans, Poles, and Swedes. *See id.*

148. The liberal democratic period, in which the Baltic states enjoyed parliamentary rule, lasted from 1918 to 1926 in Lithuania and until 1934 in Estonia and Latvia. The second period saw the rise of authoritarian rule. *Id.* at 221.

149. *Id.* at 224–25.

150. For example, the deputies to the Estonian, Latvian and Lithuanian Parliaments were allowed to use their native languages in Parliament. *Id.* at 225 (citing the Rules of the State Assembly of Estonia of 1937 (Est.), the Parliamentary Rules of Procedure of 1929 (Lat.), and the Rules of the Seimas (1924) (Lith.)). Note however that there were some distinctions in the language policies of the three states. *Id.* at 236–38. For example, Estonia had the strongest protection of non-dominant languages as was seen in its creation of "cultural self-government" for any ethnic group of more than three thousand persons. *Id.* at 237. Latvia on the other hand did not set up a system of cultural autonomy, but did allow the minority ethnic groups the right to self-administration of their schools. *Id.*

151. *See id.*

152. *Treaty of Non-Aggression between Germany and the Union of Soviet Socialist Republics*, Aug. 23, 1939, *translated in* DOCUMENTS ON GERMAN FOREIGN POLICY 1919–1945, ser. D, vol. 7, at 245 (U.S. Dept. of State 1956); *Secret Additional Protocol*, Aug. 23, 1939, *translated in* DOCUMENTS ON GERMAN FOREIGN POLICY 1919–1945, *supra*, at 246 [hereinafter Molotov-Ribbentrop Pact]. *See also* Asbjørn Eide, *Minority Situations: In Search of Peaceful and Constructive Solutions*, 66 NOTRE DAME L. REV. 1311, 1330 (1991). On the status of the Baltic states under Soviet rule, see generally Igor Grazin, *The International Recognition of National Rights: The Baltic States' Case*, 66 NOTRE DAME L. REV 1385 (1991).

153. *See* Hélène Carrère d'Encausse, *Determinants and Parameters of Soviet National Policy*, *in* SOVIET NATIONALITY POLICIES AND PRACTICES, *supra* note 128, at 39, 40.

and voluntary union, proclaimed and acted upon by the "oppressed."[154] After the revolution, the idea of self-determination, the natural assimilation process, and the granting of political equality would all act to remove the basis for the bourgeois notion of nationalism. Nationalism, would then whither away and be replaced by a country wide sentiment of proletarian internationalism.[155]

Lenin was idealistic as well as pragmatic; he believed in self-determination, and also realized that it would be necessary to give the republics the right to secede in order to have them join the Union. When the USSR was created, the following nations were not included: Ukraine, Latvia, Lithuania, Estonia, Finland, Georgia, Armenia, Poland, and Belarus. By the 1920s, the Ukraine, Belarus, Georgia, and Armenia had joined.[156] Finland and Poland maintained their independence, and the three Baltic states were forcibly incorporated by Stalin at the start of World War II.[157]

It was Lenin's thesis that the people of Russia would learn Russian voluntarily if it were not thrust upon them by force, because "the requirements of economic exchange will always compel the nationalities living in a single State (as long as they wish to live together) to study the language of the majority."[158] However, as the above quote indicates, this argument assumes that the minorities did want to "live together" with the Russians. In fact, many of them did not, even with the greater "freedoms" promised to them by the Bolsheviks.[159] Even a Soviet ethnographer admits that after 1917, in the formation of the republics, some towns became centers of ethnic life and ethnic language revival.[160] Kozlov notes, "From the indigenous ethnic group cadres were formed for administrative, governmental, cultural and educational establishments, *in which knowledge of*

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154. *See* ALFRED D. LOW, LENIN ON THE QUESTION OF NATIONALITY 43 (1958). *See also* V.I. Lenin, *A Letter to S.G. Shahumyan, in* 19 COLLECTED WORKS 499, 501 (1963) which provides the following (and in the present time, somewhat ironic) quote on secession:

> We are *in favour of autonomy for all* parts; we are in favour of the *right* to secession (and not *in favour* of everyone's *seceding*!) . . . In general we are opposed to secession. But we stand for the *right* to secede owing to reactionary, Great-Russian nationalism, which has so besmirched the idea of national coexistence that sometimes *closer* ties will be established *after* free sucession!

155. *See* Teresa Rakowska-Harmstone, *The Study of Ethnic Politics in the USSR, in* NATIONALISM IN THE USSR & EASTERN EUROPE IN THE ERA OF BREZHNEV & KOSYGIN 22 (George W. Simmonds ed., 1977).

156. *See* HOUGH & FAINSOD, *supra* note 112, at 85–86.

157. *See* Molotov-Ribbentrop Pact, *supra* note 152; Eide, *supra* note 152, at 1330.

158. V.I. Lenin, *Critical Remarks on the National Question, in* 20 COLLECTED WORKS 18, 20 (1964).

159. *See, e.g.*, Alexandre Bennigsen, *Soviet Minority Nationalism in Historical Perspecitve, in* THE LAST EMPIRE, *supra* note 126, at 131, 139–42.

160. *See* KOZLOV, *supra* note 127, at 178.

the local language was needed. Language became the symbol of ethnic identity, the buttress of social progress. . . ."[161]

Lenin was aware of this situation, and felt that fostering the native languages would be to the advantage of the newly formed Soviet government. However, it is possible to interpret the language revivals, not as a symbol of the success of the Bolsheviks in allowing for the promulgation of native languages, but as a sign of rebellion against being forced to become part of the Soviet Union. However, the non-Russian independence movements were quickly crushed by the Bolsheviks,[162] and only then was it possible to enforce the "liberal" language policies of Lenin.

Lenin recognized that the Russian language was important, but if it were to become the official language of the Soviet Union or a compulsory subject in non-Russian schools, it would drive people away.[163] His policy stressed the absolute equality of all languages.[164] Lenin's program won the Bolsheviks the support of many nationalists who had originally opposed them. In 1921, Lenin initiated work on alphabets for people with no writing, which led to the creation of fifty-two new and sixteen reformed alphabets.[165] Lenin also changed written Russian by promoting the Latin alphabet over the Russian alphabet because he considered the latter to be "the alphabet of autocratic oppression, of missionary propaganda, of Great Russian chauvinism."[166] Although he was hampered by a lack of language materials, Lenin encouraged a policy of language construction to make the national languages more useful and complete.

While there is much debate about Lenin's pragmatism and idealism in regard to nationalities, two things are clear. First, he believed that the solution to the nationalities problem revolved around a retreat from Soviet policies of centralization. As he noted in a letter in 1913: "The right to self-determination is an *exception* from our general premise of centralisation. This exception is absolutely essential in view of the reactionary Great-Russian nationalism . . . ."[167] Second, he realized toward the end of his life, that "the idea of secession is just a futile piece of paper,"[168] and

161. *Id.* (emphasis added).

162. *See* Hugh Seton-Watson, *Russian Nationalism in Historical Perspective, in* THE LAST EMPIRE, *supra* note 126, at 14, 24.

163. *See generally* Kriendler, *supra* note 1, at 2–5.

164. *See* Bromley & Kozlov, *supra* note 140, at 131.

165. *See* Kreindler, *supra* note 1, at 3.

166. *See id.* This preference is especially ironic in light of the changes made after Khrushchev's reforms; for example, as discussed *infra* Part III, in Moldova, where the national language of Moldovan uses the Latin alphabet, the people were required to use the Cyrillic script instead.

167. Lenin, *supra* note 154, at 501.

168. V.I. Lenin, *The Question of Nationalities or "Autonomisation," in* 3 SELECTED WORKS 802, 803 (1961).

began to understand that bureaucracy and basic conflict would destroy the delicate peace initiated by the idea of self-determination. Stalin was blamed in part for the latter, and when he came into power, he rejected Lenin's warnings of the dangers of chauvinism, and enacted his own ethnic and language policies.

F. *Stalin's Nationality and Language Policies*

Joseph Stalin was originally chosen by Lenin to be in charge of the nationality question. Since he was a Georgian, he was supposed to be a more justifiable person for the job than a Russian. However, some feel this idea may have actually backfired. Since Stalin was one of the minorities, he felt no need to atone for past Russian wrongs inflicted on the minorities.[169]

Some of Stalin's nationality and language policies (especially those pre-1938) were rooted in Leninist theories.[170] Stalin coined the term "national in form, socialist in content," and at first was also strongly opposed to any special privileges for the Russian language.[171] Under Stalin, language corpus planning extended to the greatest number of non-Russian languages. By 1934, textbooks were being published in 104 different languages, as opposed to twenty-five languages only ten years earlier.[172] Additionally, there were great changes in language instruction, as Kreindler notes:

> In the 1938-1939 school year more than 70 languages served as the medium of instruction, and each individual republic attempted to provide instruction in the mother tongue for each of its own minorities. Thus, Uzbekistan, for example, offered instruction in 22 languages, the Ukraine in 17, while tiny Dagestan, with one of the highest language densities per area, provided instruction in 20 languages.[173]

Stalin's later policies (post-1938, and to some extent even the policies of 1930) were a step away from the earlier attempts at nativization. In 1930, Stalin attacked Great Russian Chauvinism, but also "directed his most blistering invective against 'deviation towards local nationalism, including the exaggerated respect for national languages.'"[174] The policy of

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169. *See, e.g.*, JOHN B. DUNLOP, THE FACES OF CONTEMPORARY RUSSIAN NATIONALISM 7 (1983).

170. *See* Kriendler, *supra* note 1, at 5–11.

171. *See id.* at 6.

172. *Id.*

173. *Id.*

174. LEWIS, *supra* note 107, at 71 (quoting Stalin).

"*korenizatstiia*" (nativization) was abandoned, and the trend away from local languages thus began.

"As Stalin consolidated his personal dictatorship, he launched massive assaults on both nationalism and religion."[175] However, Stalin's "Cult of Personality" actually encouraged a revival of patriotism and Russian nationalism, as Stalin noted in his toast to the "Great Russian People."[176] The important factors of his later nationality policy were his personality, the specific conditions of his time, including World War II, and the consolidation of absolute power by the General Secretary that occurred under his rule. Stalin engaged in a rather ruthless policy of Russification and assimilation, instead of self-determination.[177] Stalin required assimilation because it was the best way to control the clash between nation-building and multi-ethnicity.[178]

Stalin argued that ethnic assimilation proceeds in the following manner:

> [f]rom the establishment of a linguistic community and the development of a consciousness of peoplehood (*narodnost*), through the operation of the forces of capitalism leading to the formation of a bourgeois nationality (*natsional nost*), to a true socialist nationhood, free of all vestiges of class or property.[179]

However, Stalin's language policy was a significant departure from Marxist-Leninist theory. As Adler notes, Stalin "interfered in all aspects of Soviet life," including linguistics.[180] The departure from Marxist theory is most apparent in Stalinist arguments that language cannot be considered to be equal with any other social phenomena.[181] Marxist philosophy had argued just the opposite to be the case.[182] Additionally, in his policies and his writing Stalin denied Marx's idea that language changes with the removal of one ruling class by another.[183] Stalin argued that cultural autonomy in the non-Russian republics and regions was usually conservative in nature and thus inhibited economic and social development. His

175. Charles E. Ziegler, *Nationalism, Religion and Equality Among Minorities: Some Observations on the Soviet Case*, J. ETHNIC STUD., Summer 1985, at 19, 21.

176. This toast was in 1945, after the war was over. *See* Kriendler, *supra* note 1, at 8.

177. *See* E. L. Cerroni-Long, *Ideology and Ethnicity: An American-Soviet Comparison*, J. ETHNIC STUD., Fall 1986, at 1, 15.

178. *See generally id.*

179. THE NON-SLAVIC PEOPLES OF THE SOVIET UNION, *supra* note 137, at v.

180. ADLER, *supra* note 122, at 59. Adler goes on to criticize Stalin for his interference by noting that, "Stalin knew nothing about this subject, except perhaps his personal experience, a Georgian, member of a minority language, who was thrown into the great Russian nation and who could never lose his foreign accent." *Id.*

181. *See generally id.* at 59–76.

182. *See generally id.* at 2–24.

183. *See generally id.* at 59–76.

solution was that backward nations needed to be drawn into "higher," more developed cultures. Language change would therefore not require changes in the ruling class. Instead, "[m]odernization would promote assimilation."[184]

Stalin also felt that the relations between nations were like the relations between classes, characterized by a constant struggle which must be resolved by force. To this end, he liquidated national elites, exported large numbers of Russians to the Baltics and other republics, and deported people from the dominant ethnic groups of those republics.[185] Although in theory he was only going against groups that were threatening his rule, it may be argued that Stalin's strong hold on power eliminated any realistic threat to his rule. The purges of the national elites dealt a striking blow to the development of native languages. The elimination of the native intelligentsia eliminated a group of people who ensured the cultural survival of the native languages.

Russian was made a compulsory subject in all the schools of the Soviet Union by Stalin's Decree of March 1938.[186] Stalin justified this rather striking departure from Leninist principles by stating that the position of the Russian language had become extremely weakened. Russian was proclaimed a language of "high culture" and, more importantly, the "language of socialism," and an influx of Russian words and terms began to infect the non-Russian languages.[187] However, this action was less critical to the promotion of Russian in the USSR than was Khrushchev's educational reform that allowed parents to choose the language of education for their children.[188] Stalin's policy was more a symbolic display of the greatness of the Russian language. Furthermore, it had lesser effect since so many non-Russians were already learning Russian. Enforcement of the decree was not as effective as it could have been, and in many cases the Russian language instruction was weak. Finally, and most importantly, the decree still ensured that the education itself would be in the native language. Khrushchev's policies, however, reversed this trend completely, and ironically did even more to promote the Russian language.

There are two ways to evaluate Stalin's overall language policies. On one hand, Lenin realized that Stalin opposed his nationality policy and fought to have him removed as party secretary. Stalin purged national

184. Ziegler, *supra* note 175, at 21.

185. *See, e.g.*, Andrea J.Hanneman, Note, *Independence and Group Rights in the Baltics*, 35 VA. J. INT'L L. 485, 493 (1995). According to some estimates, "[m]ore than half a million out of a total population of 6 million [in the Baltics] disappeared" through terror and deportation, reaching a climax in 1949. GERNER & HEDLUND, *supra* note 125, at 59.

186. *See* Kriendler, *supra* note 1, at 7.

187. *See id.* at 8.

188. *See infra* note 224 and accompanying text.

elites and argued for the superiority of the Russian language and people. On the other hand, national languages flourished under Stalin, and some even stress that attempts to Russify the non-Russian languages simply meant that these languages were still considered important.[189] In fact, in a 1925 speech, Stalin even stated his opposition to policies that were later to be actually conducted by Khrushchev:

> I have very little faith in this creation of a single universal language and the dying away of all other tongues in the period of socialism. I have very little faith in this theory of a single, all-embracing language. Experience in every case speaks not for, but against this theory.[190]

Kreindler argues that there was never a real change in the status of Russian under Stalin. She further argues that "no new justifying theory [was put forth] to change the status of Russian among the non-Russian, *other than [Stalin's] personal glorification of the Russian people.*"[191] However, this personal justification may have been all the theory that was needed, since it is important to keep in mind that at the peak of his leadership Stalin was powerful enough to act however he wanted, without having to justify his actions and policies through theory. Finally, the evidence of the language instruction and non-Russian language publishing may simply serve as testimony to the success and continuance of Lenin's policies, without being a reflection on Stalin.

Thus, it is probably best to view Stalin's language policies somewhere between these two extremes, but closer to the first. Stalin did pursue a policy of Russification since he attempted to widen the scope and influence of Russian language and culture; Stalin felt that the Russian must act as a Big Brother toward the other national groups. The total obliteration of minority languages was impossible during Stalin's tenure. Therefore, Stalin can then be understood as an intermediary in language policy between Lenin and Khrushchev—but one who certainly contributed to the development of Soviet language policy.[192] He was a strong enough leader to allow some measures of linguistic development, but this was coupled with a strong and definitely new push in favor of the Russian

189. *See* Kreindler, *supra* note 1, at 9–11. It is important to note that the distinction between the two is also the distinction between Stalin's later and earlier policies. This article focuses more on Stalin's later policies since these had more impact, and on his departure from Leninist principles of promoting the local languages.

190. Jacob Ornstein, *Soviet Language Policy: Theory and Practice*, SLAVIC AND E. EUR. J., Spring 1959, at 1, 3 (footnote omitted) (quoting from Stalin's speech of May 18, 1925 before the University of the Peoples of the East).

191. Kreindler, *supra* note 1, at 9 (emphasis added).

192. And of course affected the demography and ethnic distribution in the Baltic and other republics and states through his policies of deportation.

language. Without this push and without the elimination of the national elites it would have been much harder for Khrushchev to pursue his language policy. Additionally, it is important to note that the very theory to justify the superiority and necessity of the Russian language that was missing under Stalin, was supplied under the leadership of Khrushchev.

G. *Khrushchev's Language Theory and Policies*

1. Khrushchev's Goals as a State Leader

As soon as he gained power after Stalin's death, Nikita Khrushchev realized that he would have to be a strong state leader. The problems facing him were a very powerful bureaucracy, industry that stressed quantity over quality, technology that was lagging behind the West, failing agriculture, and an inefficient labor force.[193] One of Khrushchev's goals was to open up the system to the people; he wanted to overhaul the archaic bureaucracy to make the system more effective. There are many arguments about whether Khrushchev was a pragmatist or an idealist.[194] In fact, like many leaders, he was probably both: he was an idealist in terms of his desire to change the country, but he was a pragmatist in terms of his political dealings and what he would have to do to achieve power. His language policy and his education policy exemplified this pragmatic side.

Khrushchev suffered from Stalin's legacy. This legacy of terror still haunted the nation, and rehabilitation created a group of dissatisfied people who wanted—and in fact demanded—greater reparation for the way that they had suffered. Khrushchev's reforms came from generally good intentions, but in many cases they came too quickly for the people. Khrushchev faced challenges from the West, and dissatisfaction from his populace.[195] He realized that would have to find solutions for all of these problems in order to be successful.

Despite early policies of reform, in many areas Khrushchev was forced to slow down the process because it was not making the system more effective, and was in fact stirring up dissatisfaction from all sides. Around 1963, Khrushchev began to feel threatened by what he felt was an upsurge in liberalism and he therefore increased restrictions on the intelligentsia.[196] This was quickly followed by increased harassment of the same

193. *See* Martin McCauley, *Introduction* to KHRUSHCHEV AND KHRUSHCHEVISM 1 (Martin McCauley ed., Macmilliam Press 1987).

194. *See, e.g.*, CARL A. LINDEN, KHRUSHCHEV AND THE SOVIET LEADERSHIP: 1957–1964, at 25 (1966).

195. *See* McCauley, *supra* note 193, at 3.

196. *See* ROY A. MEDVEDEV, KHRUSHCHEV 219–20 (Brian Pearce trans., Basil Blackwell 1982).

groups who had benefitted from his earlier policies. In the case of language policy, Khrushchev was forced to take a strong stance almost immediately, and in cases where there had been some national expression or sentiment allowed in the early stages of his rule, by the last three years of his leadership these changes were also reversed.

2. Nationality and Language, Theories, and Polices

From the beginning, Khrushchev argued that Leninist nationality policy should be carried out. However, his other statements disagreed with basic Leninist principles that an internationalist approach would be necessary to preserve the Union. In some respects, Khrushchev gave Russians and non-Russians greater freedom in examining their histories. Coupled with his denunciation of Stalin, this freedom may have provoked an upsurge in nationalism, among Russians deserving a new guiding ideology.[197] Non-Russians were also given a slightly more open forum for expressing their views. However, in his later years, Khrushchev became threatened by the non-Russians and took away some of these freedoms.[198]

Khrushchev felt that the Soviet system had changed the social consciousness of the national groups. They had moved from national consciousness to socialist consciousness, and were moving toward communist consciousness. Thus, national differences were merely survivals of the past, and the nations of the USSR, having already drawn closer to one another (*sblizhenie*), were advancing to a point where they would merge into a single nation (*sliianie*).[199] Thus, arguably, since the nationality problem had already been solved, there was no need to promote non-Russian languages;[200] instead, Russian needed to be developed as the language of communication.

For Khrushchev, although the USSR was a multi-ethnic State, socialist ideology made these ethnic issues secondary. For example, he noted the following in a speech in 1957:

> The Communist Party, guided by V.I. Lenin's precepts that literature and art are an integral part of the nationwide struggle for communism, has always attached and continues to attach prime importance to the activities of writers, artists, sculptors,

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197. *See* S. Enders Wimbush, *The Great Russians and the Soviet State: The Dilemmas of Ethnic Dominance, in* SOVIET NATIONALITY POLICIES AND PRACTICES, *supra* note 128, at 349, 350. *See also* DUNLOP, *supra* note 169, at 30–32.

198. *See generally* ROY A. MEDVEDEV & ZHORES A. MEDVEDEV, KHRUSHCHEV: THE YEARS IN POWER 144–45 (Andrew R. Durkin trans., W.W. Norton 1978) (1975).

199. *See* d'Encausse, *supra* note 153, at 51–52.

200. *See generally* Kreindler, *supra* note 1, at 18.

> composers and all workers of Soviet culture, to the flourishing of our *multinational Soviet socialist culture*.[201]

3. Khrushchev's Early Policies to Promote Russian

Another major point of emphasis for Khrushchev were the rights of the Russian Soviet Federated Socialist Republic (RSFSR). Although these rights were not technically part of Khrushchev's "language policy," they did reflect Khrushchev's general policies toward nationalities and indicated his intent to promote the Russian culture and language at the cost of the minority languages of the Union. While Lenin felt that the Russians should not impose their language and culture on the smaller groups, Khrushchev stressed that the Russian people should be respected and their achievements recognized with gratitude.[202] While he noted that the non-Russian Republics flourished, he emphasized that they did so under the umbrella of Soviet culture and with the assistance of the Russian people:

> . . . the Russian people have done much, very much indeed, to help the formerly oppressed peoples of the country to overcome their age old economic and cultural backwardness and to raise them to their own level. The great and lofty deeds of the Russian people both in the years of peaceful construction and in the period of the war trials earned them the warm gratitude and respect of all the peoples of our country.[203]

Interestingly, Khrushchev seems to have equated "non-Russian" with "oppressed," leaving the Russian people in a special group. Although "Russian" and "Soviet" refer to distinctly different concepts, Khrushchev had apparently defined the Soviet Union as a Russian entity. One can strongly infer that merging the nations into one Soviet nation would mean Russification of the non-Russian.

Khrushchev focused the Communist Party on the RSFSR. After the Twentieth Party Congress he established a special "Russian Republic Bureau of the Central Committee," installed himself as Chairman of that Bureau, and staffed it with his supporters.[204] Moreover, the Russian Republic Council of Ministers was vested with the powers and rights

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201. Nikita S. Khrushchev, *Za tesnuia sviaz' literatury i iskusstua s zhizn'iu naroda [For Close Tie Between Literature and Art and the Life of the People]*, PRAVDA, Aug. 28, 1957, at 3, *translated in* KHRUSHCHEV SPEAKS: SELECTED SPEECHES, ARTICLES AND PRESS CONFERENCES, 1949–1961, at 270 (Thomas P. Whitney ed., 1963) (emphasis added).

202. *See* McCauley, *supra* note 193, at 75–76.

203. *Id.* at 277.

204. *See* HOUGH & FAINSOD, *supra* note 112, at 215.

necessary to guide industry, agriculture, and cultural work. Thus, in Krushchev's supposedly equal and non-national USSR, the RSFSR was claimed to have finally won its "full rights *relative to its importance and place in the state.*"[205]

4. The Twenty-Second Party Congress: Sliianie and the Official Status of Russian

Khrushchev made a major change in the status of the Russian language in the USSR. Under him Russian became not only more prevalent, but actually began replacing some of the native languages, at least in official or public realms. Reasons for his policies included the idea that nationalism complicated central decisionmaking and hampered technical and scientific progress. Many scientific journals were in minority languages which made it difficult to pool information over the whole country.[206] Thus, Khrushchev argued that Russian must be the language of science and technology, and the necessary channel to becoming more advanced.

According to Khrushchev's theories, Russian was supposed to play an important role in the merging of nations; it would not be a foreign language, but a naturally formed second mother tongue. Under Khrushchev's idea of "*sliianie*," one language (Russian) was envisaged as having all of the advantages that other languages possess.[207] If the nations of the USSR were indeed merging, then Russian would emerge as the single dominant language of communication in this new community.[208] In fact, Lewis notes the following:

> [*Sliianie*] encourages the substitution of one language for others, the substituted language having increasingly overlapping roles with all other languages, rather than being complementary to them .... It is claimed, for instance, that voluntary exposure to educational mass media ... is determined not according to membership of the national group, but according to more general, impersonal, civic interest.[209]

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205. Khrushchev, *supra* note 201, at 277 (emphasis added).

206. The section on Khrushchev's reasons for implementing his language policy analyzes some of these assumptions in greater detail. For now we shall use them as simply stated reasons for why it was necessary to increase Union-wide knowledge of Russian.

207. *See* LEWIS, *supra* note 107, at 84.

208. *See* Yaroslav Bilinsky, *The Soviet Education Laws of 1958–59 and Soviet Nationality Policy*, 14 SOVIET STUDIES 138, 148–50 (1962).

209. LEWIS, *supra* note 107, at 84 (citing E. Mansurov, *Summary of paper given at the Cannes Conference of Sociologists in 1969*, in ASPECTS OF NATIONAL AND ETHNIC LOYALTY (H. Tajfel ed., 1969)).

During the Twenty-Second Party Congress in 1961, Khrushchev argued that the nations of the USSR were merging into a new community. In his report on the party programs Khrushchev claimed that "[e]very citizen of the USSR enjoys and will continue to enjoy full freedom to choose the language of instruction for his children. Nothing impedes the development of national languages in our country. But their development must tend not to reinforce barriers between peoples but to draw nations closer together."[210] Of course, Khrushchev's statement is in a sense self-defeating. The only way Khrushchev could bring nations together is through a single language, Russian. Khrushchev's recognition of the need for a prominent Russian language was evident from his discussion of "*sliianie*:"

> One cannot help noticing the growing eagerness of non-Russian peoples to master the Russian language, which has become virtually a second native tongue for the peoples of the U.S.S.R., a means of intercourse among them, a vehicle for bringing each nation and nationality into contact with the cultural achievements of all the peoples of the U.S.S.R. and with world culture . . . .
>
> The nations are drawing closer together in our country and their social homogeneity is growing. In the course of the full-scale building of communism the nations will achieve complete unity . . . .
>
> With uncompromising Bolshevist implacability we must eradicate even the slightest manifestation of nationalist survivals.
>
> The friendship of the peoples of the USSR is one of our greatest achievements. We must cherish it as the apple of our eye![211]

This emphasis on a unifying single language was furthered in the discussion of the Khrushchev and the Gorkin Reports of the Twenty-Second Party Congress. There Mukhtidinov, Secretary of the Party Central Committee, (himself an Uzbek), agreed with Khrushchev, noting that:

> [t]he Russian language is of fundamental importance in the further development of every socialist nation, the internationalist

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210. *O Programme Kommunisticheskoi Partii Sovetskogo Soyuza [On the Program of the Communist Party of the Soviet Union]*, PRAVDA, Oct. 19, 1961, at 7, *translated in* CURRENT SOVIET POLICIES IV: THE DOCUMENTARY RECORD OF THE 22ND CONGRESS OF THE COMMUNIST PARTY OF THE SOVIET UNION 83, 104 (Charlotte Saikowski & Leo Gruliow eds., 1962) [hereinafter CURRENT SOVIET POLICIES].

211. *Id.*

> upbringing of the growing generation and completion of the cultural revolution in our country.[212]

This was more than an argument that the nations were starting to grow closer. "Merging" in this case "betokened the ideological and cultural unity of all Soviet peoples but also was intended to suggest a biological homogenization of the national components of the USSR."[213] Although merging thus seems like a complete departure from his predecessor's policies, it is actually better viewed as conglomeration. Lenin had argued that with political equality and self-determination, the basis for bourgeois nationalism would wither away to create an atmosphere of proletarian internationalism. Stalin demanded a special status for the Russian people in the Union. Khrushchev was less vigorous than Stalin. He too foresaw a special status for the Russian people but as a part of the emerging conglomeration of the USSR's many nationalities. However, it is important to note that "*sliianie*" was more than just a description of an ethnic or ethno-linguistic phenomenon. Under Khrushchev, this idea became a set of policies, guaranteed to ensure this "merging" with or without the consent of the minorities.

As a means of granting this special status to the Russian people, Khrushchev gave their language special status. At the Twenty-Second Party Congress, the Russian language appeared as the "language of internationality communication and cooperation of all peoples of the USSR."[214] Russian was clearly cast in the role of the primary language for communication. The language of the educational reforms was substituted for the earlier terminology about the right to education in one's native language.[215] The "national in form, socialist in content" formulation still appeared, but as a justification for the use of Russian as the "national form" while implying that native languages were anti-socialist.[216] Russian promoters made pragmatic interpretive arguments to modify the slogan by asserting that "forms change, advance and draw nearer together, shedding all outdated traits that contradict the new conditions of life."[217]

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212. *Rech' tovarishcha N.A. Mukhtidinova [Speech by Comrade N.A. Mukhtidinov]*, IZVESTIIA, Oct. 26, 1961, at 3, *translated in* CURRENT SOVIET POLICIES, *supra* note 210, at 160, 163.

213. DUNLOP, *supra* note 169, at 136.

214. Kriendler, *supra* note 1, at 14.

215. *See id.*

216. *Id.*

217. *Id.*

5. The Educational Reforms of 1958–1959

Khrushchev's educational reforms are among the most significant examples of his policy of Russification. As early as 1956, the RSFSR Ministry of Education sponsored an Inter-Republic Conference on the Improvement of the Teaching of Russian in Non-Russian Areas.[218] In opening the conference, the First Secretary of the Central Committee of the Uzbek Communist Party noted his distress at the fact that "students in many . . . non-Russian general schools do not have a sufficient command of the spoken [Russian] language, cannot easily make use of literature in the Russian language, are not able to express their thoughts in a correct Russian sentence."[219] As a result of this conference and of a mounting volume of complaints in journals such as *Russkii iazyk v shkole*[220] and *Inostrannyi iazyk v shkole,*[221] educational organs began to call for the improvement of standards in the non-Russian schools and an intensification of the Russian teaching program.[222] This was the first step in a series of educational reforms geared toward Russification.

The second, and probably the most important aspect of Khrushchev's language policy was his educational reform law, passed by the Supreme Soviet of the USSR on December 24, 1958. The most widely discussed, and probably most significant aspect of the law is what is known as Thesis 19, which allowed parents to choose the language of education for their children.[223] Because it was the most important part of Khrushchev's language policy, Thesis 19 is worth reprinting in full:

> Instruction in the Soviet school is conducted in the native tongue. This is one of the important achievements of the Leninist nationality policy. At the same time, in schools of the Union and autonomous republics, the Russian language is studied seriously. This language is a powerful means of international communication, of strengthening friendship among the peoples of the USSR, and of bringing them into contact with the wealth of Russian and world culture.
>
> Nevertheless, we must note that in the area of language study in the schools of the Union and autonomous republics children are considerably overloaded. It is a fact that in the nationality schools

218. *See* Ornstein, *supra* note 190, at 11.

219. *Id.* at 11 (quoting N.A. Mukhtidinov).

220. Translated as "The Russian language in school."

221. Translated as "Foreign language in school."

222 *See* Ornstein, *supra* note 190, at 11. *See generally* Lewis, *supra* note 107, at 157–161 (discussing the expansion of the educational provisions).

223. *See* Bilinsky, *supra* note 208, at 138.

> children study three languages—their native tongue, Russian and one of the foreign languages.
>
> The question ought to be considered of giving parents the right to send their children to a school where the language of their choice is used, If a child attends a school where instruction is conducted in the language of one of the Union or autonomous republics, he may, if he wishes, take up the Russian language. And vice versa, if a child attends a Russian school, he may, if he so desires, study the language of one of the Union or autonomous republics. To be sure, this step could only be taken if there is a sufficient number of children to form classes for instruction in a given language.
>
> To grant parents the right to decide what language a child should study as a compulsory subject would be a most democratic procedure. It would eliminate arbitrary decisions in this important matter and would make possible the termination of the practice of overloading children with language study. Permission should be granted not to include a foreign language among the required subjects in schools where appropriate conditions do not exist.[224]

Before this law was passed, instruction in the non-Russian republics was usually conducted in the native language.[225] The law set aside Stalin's decree of the compulsory study of the Russian language and enabled parents to choose the language of instruction for their children. Although the law restored the "juridical equality of languages, it swept aside a firm shibboleth of Russian progressive thought which held that a child must be taught in his mother tongue."[226] By eliminating this pedagogic school of thought the law struck a major blow against the minority languages in the USSR.

Although the incorporation of a choice of instruction would seem to give the native languages an equal footing, in actuality the Supreme Soviet designed the law to pressure parents to choose Russian instruction. The law increased the status of Russian in two ways. First, the section of the law that states, "Instruction in the Soviet school is conducted in the native tongue. This is one of the important achievements of the Leninist

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224. *Zakon ob ukreplenii svyazi shkoly s zhizn'iu i o dal'neishem razvitii sistemy narodnogo obrazovaniia v SSSR [The law on strengthening the connection between school and life and on the continued development of a national educational system in the USSR]*, PRAVDA, Dec. 25, 1958, at 1 [hereinafter Law on National Educational System], *translated in* Bilinsky, *supra* note 208, at 139.

225. However, there is some evidence that the required study of the Republic language was not always taken seriously. *See* Bilinsky, *supra* note 208, at 139.

226. Kreindler, *supra* note 1, at 12.

nationality policy" was replaced in the operative section of the law with the phrase "Instruction in the Soviet school is conducted in any language of free choice."[227] The amendment deprived the native languages of past legislative protection. Moreover, as Bilinsky points out, "voluntary" in the USSR allowed people "to 'choose' only what is 'good for them' " as determined, of course, by the authorities.[228] While outer-Republic inhabitants may have had the right to choose, Russian had become so extensively used that constructively there was no choice if parents wanted their children to be successful.[229]

Second, although the evidence is not completely clear on this point, the authorities appear to have used force to ensure Russian language education.[230] Of course, the use of force would negate any remnants of volition that remained in the system and would eliminate the best justification for this policy. The instances of force were debated in the minority communities and occasionally protested publicly.

6. Khrushchev's Language Rationalization Strategies

Although Khrushchev offered some justifications for his language policy, they provide insufficient explanation for why he felt the need to push for increased usage of Russian.[231] Khrushchev argued that science and technology would proceed much more slowly if they did not have a *lingua franca* to facilitate discussion. However, minority language speakers in scientific and technological fields quickly incorporated Russian words as cognates within scientific communications. Non-Russians were encouraged to borrow Russian "scientific, technical, literary, and artistic terms."[232] Moreover, Russian had quickly become prevalent in non-scientific minority language repertoires after Stalin's 1938 decree "On the compulsory teaching of Russian in Republic and Region schools."[233] Ko-

227. *Id.* (*quoting* Law on National Educational System, *supra* note 224).

228. YAROSLAV BILINSKY, SECOND SOVIET REPUBLIC: THE UKRAINE AFTER WORLD WAR II 172 (1964) (footnote omitted).

229. Scholars have noted that "acquisition of Russian as a second language [was] essentially a pragmatic adjustment to incentives and opportunities to learn Russian." Silver, *supra* note 133, at 300.

230. For example, one Soviet linguist, K. Khanazarov, admits that in some schools "force" was used in transferring to Russian as the language of instruction. K. KH. KHANAZAROV, SBLIZHENIE NATSII I NATSIONAL'NYE IAZYKI V SSSR [DRAWING CLOSER OF NATIONS AND NATIONAL LANGUAGES IN THE USSR] 202 (1963).

231. For a discussion of why some considered a change in policy necessary, see LEWIS, *supra* note 107, at 77.

232. *See* LEWIS, *supra* note 107, at 64 (describing the process of "linguistic engineering" through the mass media).

233. *See* KOZLOV, *supra* note 127, at 167.

zlov claims that this infestation of Russian terms into the minority languages may have begun as early as the Revolution:

> A characteristic trait of the post-1917 period was the rapid spread of terminology with an all-Union and essentially international meaning such as *kolkhoznik* (collective farm worker) and *udarnik* (shock-worker), etc. Such general Soviet words and also the international scientific terms usually permeated the native languages via Russian. The process of borrowing words form Russian continues. Russian personal names and international names have become widely used among many peoples of the USSR.[234]

As noted earlier, Khrushchev, as every other political leader, was also concerned about consolidating and maintaining power.[235] But, as a "liberating" influence in Soviet history, he did not have as strong a hold on the government as had Lenin or Stalin. To keep the "Soviet Empire" together, he had to adopt more restrictive language policies than those of the other two leaders. The fact that Khrushchev concentrated on language policies, and not necessarily "nationality" policies was not accidental. It is difficult to change someone's ethnic identity, particularly when the best available means of change is rhetoric about the brotherhood of Soviet peoples. But since Soviet linguists and ethnographers insisted that changing a person's language was a requirement for any change in ethnic identity, Khrushchev targeted language policy as the best hope of countering rising nationalism and ethnic uprisings which threatened the economic unity of the USSR.[236]

Thus, three main reasons emerge for Khrushchev's language policies: to promote Russian in order to make the society more efficient, to protect his hold on the government, and to suppress ethnic tensions. Interestingly enough, even Western scholars were beguiled by Khrushchev's token benefits for minority nationalities. As the following quote from Kohn indicates, the strategy of enacting legislation that appeared to be giving the

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234. *Id.* It is interesting that Kozlov calls them "Soviet" words when they both have clearly Russian roots.

235. *See* MEDVEDEV & MEDVEDEV, *supra* note 198, at 45.

236. Even American scholars note the important relationship between language and ethnicity. As Richard Pipes has noted:

> Language, of course, is only one of several criteria of national viability, and it would not be sound to base one's whole evaluation on the pattern of linguistic development. But it is a most important criterion. The transition form one language to another is, perhaps, the single most dramatic manifestation of a shift in national allegiance.

Richard Pipes, *The Forces of Nationalism*, 13 PROBLEMS OF COMMUNISM 1, 6 (1964).

minorities some freedom hid Khrushchev's true intent and painted an image of the Soviet Union as a fair and truly multinational State:

> The Soviet Union has enacted very elaborate minority legislation, assuring to the minorities their schools and the official employment of their mother tongue; wherever minorities live together in villages or districts, they have been brought together in administrative units in which their language and their national characteristics have full play. . . . *Hence the Soviet Union is free from every attempt at cultural or lingual oppression* or subordination of the smaller peoples or minorities in its territory . . . [T]he culture is not a national, a Russian culture but a supranational, proletarian, Communist one.[237]

Khrushchev's language policies can be said to have fulfilled his goal of promoting the Russian language. Of course, he met with resistance, but he was able to overcome much of the protests to his policies, and impose them in all of the republics. Finally, since he was the first leader to break away from the "national in form, socialist in content" formula, and since Brezhnev and other leaders (at least until Gorbachev, and perhaps even him to some extent) continued Khrushchev's ideas, it is possible to say that not only were his policies successful, but his theories had taken hold intellectually.[238]

7. Responses to Khrushchev's Policies

a. Russian Nationalism

Khrushchev's policy of "merging," and his educational and administrative reforms worried both minority groups and Russian nationalists. Dunlop notes that "[Khrushchev's] concept of *sliianie* gave rise to apprehension both in the ranks of minority nationalists—who feared that it would result in Russification and assimilation—and in those of Russian nationalists—who foresaw a loss of their cultural and biological identity."[239]

Khrushchev's language policies had several implications for the social sciences, and spawned a series of discussions about the role of Russian and non-Russian languages. Some social scientists developed new interpretations of Soviet nationality theory, such as Rogachev and Sverdlin's idea of the Soviet people as a "New Historical Community of

237. KOHN, *supra* note 135, at 69, 87 (emphasis added).

238. This is an important point since Khrushchev was later criticized for his various other policies.

239. DUNLOP, *supra* note 169, at 136.

Peoples" where Russian played a crucial role.[240] Khanazarov argued that Russian could become a new mother tongue for the non-Russian, and Zak and Isaev stated that Russian would play a crucial and unique role in consolidating the new community of people.[241] These theories not only were part of the justification for Khrushchev's language policies, but also had an impact on the non-Russians and Russians in the USSR. They worried the non-Russians because they seemed to indicate that the minority cultures would soon fade away. But, they also worried the Russians because they felt the fading of minority cultures would strip the Russians of their unique national identity.

A second type of discussion focused on the purity of the Russian language and what effect the "official status" of the language would have on its content. There was some vagueness about how the Russian language would be used, and social scientists questioned whether it would maintain its original linguistic structure or whether elements from other languages would be incorporated into Russian.[242] Russians, concerned with the purity of their language, argued that the real danger facing the Russian language was the effect of ideologues co-opting it as the language of governmental activities. As Ozerov astutely and somewhat humorously observed, a unique situation occurred in the Soviet Union which had negative implications for the Russian language:

> When a speaker addresses an audience, it very often happens that he knows he is lying, that his audience knows that he is lying, and that he knows his audience knows that he is lying, and everybody has a deep sense of satisfaction of fulfilling his highest civic duty. Under such conditions, language often ceases to be a means of communication and acquires an entirely new function—that of approved behavior. In the process of "ideologization" of language, Russian, being the central government language of the Soviet Union, has suffered more than the other languages.[243]

Because of the constant use of Russian as the sole means of communication, any attempt at purification of Russian conflicted with Soviet government designs to broaden Russian and to make it a general language for a single Soviet people.[244] Promulgating Russian, though superficially a seeming benefit to the Russian people, was driven entirely by politics.

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240. *See* Kreindler, *supra* note 1, at 15.

241. *See id.*

242. *See generally* Kenneth E. Nyirady, *Language Purity and Russian Ethnic Identity, in* ETHNIC RUSSIA IN THE USSR, *supra* note 116, at 267, 267–75.

243. Nicholas Ozerov, *Russian Language and Ethnocentrism in the Soviet Union, in* ETHNIC RUSSIA IN THE USSR, *supra* note 116, at 278, 280.

244. *See* Nyirady, *supra* note 242, at 275.

There were many arguments that giving Russian this official status would decrease the significance of the language as a unifying ethnic factor for the Russians. If non-Russians learned the language they would "worsen" it by adding their own terms, and, if spoken throughout the USSR as a second language, it would no longer be a unique language for the Russians.[245] Some of the problems that the language faced were dialectization, alterations, and pidginization.[246] Some Russian authors protested about the loss of language purity, but these arguments were quickly hushed, since they conflicted with the government policy.[247]

Khrushchev's antipathy to Russian nationalism, and to all forms of nationalism, appears quite strongly in his memoirs. For example, Khrushchev described his dislike of Solzhenitsyn's 1963 story, *Matryona's Home*,[248] in the following manner: " . . . I didn't particularly care for Solzhenitsyn's second book, *Matryona's Home*. You can say it's a matter of taste, but I'd say it's more a matter of mood."[249] This also indicates that his policies which were meant to encourage the spread of Russian were not geared toward increasing Russian nationalism. Just as the Russian nationalists feared, Khrushchev's nationality and language policies were aimed at promoting a Soviet people; a "new historical community" in which all semblance of national culture, Russian or non-Russian, would necessarily be lost.

However, Russian nationalism actually rose as a result of Khrushchev's policies, both directly, as a response to the "de-purification" of the Russian language, and indirectly, as a result of de-Stalinization, and the debunking of the ideological myth. As Dunlop notes, Khrushchev's "Secret Speech" at the Twentieth Party Congress had several effects. First, contrary to Khrushchev's wishes, it dealt a blow to Marxism-Leninism, since people lost some confidence in the ideology that had caused the horrors under Stalin's leadership.[250] Second, it led to the general loosening on at least some forms of artistic expression, thereby giving a forum for writers such as Soloukhin and Solzhenitsyn.[251] Third, with Stalin's death, nationalist sympathizers in other cultural spheres also began to feel less constrained.[252] All of this, coupled with the previously

245. For a more complete discussion of these arguments and some interesting current responses to them, see William W. Derbyshire, *supra* note 116, at 260–66.

246. *See* Nyirady, *supra* note 242, at 268–69.

247. *See id.* at 271–75.

248. A work with strong neo-Slavophile tones.

249. NIKITA KHRUSHCHEV, KHRUSHCHEV REMEMBERS: THE LAST TESTAMENT 73 (Strobe Talbott trans., 1974).

250. DUNLOP, *supra* note 169, at 31.

251. *Id.* at 31–32.

252. *Id.*

described administrative reforms to give the RSFSR equal footing with the other republics, led to an upsurge in Russian nationalism, which was stronger than any previous such sentiment under Soviet rule.[253]

b. The Non-Russians

For the non-Russian republics, one major point of contention was the educational reforms of 1958. The confrontation developed because, "in the Soviet Union the provision of native-language schools [was] closely linked with the status of a group as a compactly settled indigenous nationality inhabiting its official republic or province."[254] Khrushchev challenged both the power and the indigenous languages of the republics. His policies also attempted to Russify the non-republic minorities, but little data on the effects of his policies on non-republic nationalities still exists. Regardless, the responses of the republic leaders indicate that they felt that Khrushchev's policies put their languages at risk.[255]

The five Central Asian republics argued for the retention of the obligatory study of Russian, but did not oppose Thesis 19 and choice of language instruction very strongly.[256] The opposition to the Thesis came mostly from the Transcaucasian republics and from the Baltic states.[257] The republic leaders recognized that this policy would only strengthen the position of the Russian language vis-à-vis each republic language and would put the study of non-Russian languages in jeopardy by emphasizing the importance of Russian language schools.[258] Professor Bilinsky describes the opposition with the following example:

> The Georgian deputy Abashidze emphasized that Georgian was the "state language of the Republic" and asked, somewhat foolhardily perhaps, whether the existence of Russian-language schools in non-Russian Republics was at all justified. He then made the following appeal:
>
> "Comrades deputies! We must not set up the Russian and the local indigenous language one against another by allowing people to choose between them. For us both languages are native lan-

253. *Id.* at 34.

254. Brian D. Silver, *The Status of National Minority Languages in Soviet Education: An Assessment of Recent Changes*, 26 SOVIET STUDIES 28, 39 (1974).

255. To simplify the analysis, the responses of the "republics" will be understood as the responses of the leading national (titular) elites.

256. *See* Bilinsky, *supra* note 208, at 140.

257. *Id.* at 140–153.

258. *See* KARKLINS, *supra* note 114, at 62–72.

guages, both of them are indispensable, and both are obligatory."[259]

Interestingly, after the discussion of Thesis 19 and the significant opposition by the republics, the leaders left it up to the republics to incorporate it into law as each wished. In the end, Thesis 19 was incorporated into republic-level legislation everywhere except for Latvia and Azerbaijan. After a slight push from Moscow in the form of far-reaching changes in the leadership of these two republics, each incorporated Thesis 19 into its laws.

In Latvia, in fact, Thesis 19 was very controversial and strongly contested.[260] In response to Thesis 19, the Latvian Supreme Soviet increased the number of hours for the compulsory study of Latvian.[261] However, after Khrushchev's purge of the Latvian "national communists," Latvia was forced to adopt Thesis 19.[262]

These and other instances indicate the responses of the national government to republic-level protests. In general, Khrushchev attempted to infuse the native languages with Russian words, and through the Education Reforms, attempted to make the study of Russian much more prevalent. These policies were couched in theory, and the responses to republic-level resistance were also justified through ideological or theoretical considerations. The effect was the disregarding of the wishes of the republics and the growth in status of Russian.

H. *Language Policy in Post-Khrushchev USSR*

Leaders after Khrushchev were faced with essentially four options in terms of language policy.[263] The first was an attempt at complete Russification of the non-Russians. The second was to encourage either bilingualism for all except RSFSR Russians, or to encourage universal bilingualism, with RSFSR Russians learning another Soviet language of their choice. However, no language in the USSR had the status of Russian, and it would have been difficult to turn asymmetrical bilingualism in the USSR into reciprocal bilingualism. The final option was to abandon previous policy and allow the non-Russian languages to develop and

259. Bilinsky, *supra* note 208, at 144.

260. *See* John B. Dunlop, *Language, Culture, Religion, and National Awareness*, *in* THE LAST EMPIRE, *supra* note 126, at 263, 268.

261. *See id. See also* Juris Dreifelds, *Latvian National Demands and Group Consciousness Since 1959*, *in* NATIONALISM IN THE USSR & EASTERN EUROPE IN THE ERA OF BREZHNEV & KOSYGIN, *supra* note 155, at 136, 138.

262. *See* Dunlop, *supra* note 260, at 268; Dreifelds, *supra* note 261, at 138.

263. *See generally* Pool, *supra* note 128, at 240–44.

flourish. This was not a viable policy for Soviet leaders. The most idealistic policy for the post-Khruschev leaders was arguably:

> [allowing] slow progress toward stable, asymmetric bilingualism, with non-Russian increasingly learning Russian but not abandoning their original languages.... [Therefore] if the Soviet Union, by making good on its claim that Russian and the other republic languages are symbiotic rather than antithetical, can show that neither fear is warranted, it may provide a unique model for reconciling complete linguistic unity with a high degree of linguistic diversity.[264]

Despite the options, the post-Khrushchev leaders tended toward the first approach. Brezhnev, Andropov, and Chernenko continued most of Khrushchev's language policies.

Gorbachev was also faced with a multitude of nationality problems. Although he did not succumb to assimilationist policies, it was unclear just how long he would have been able to control the State unless he became more active in suppressing both non-Russian and Russian nationalism. Gorbachev's position was that the nationality question had been solved "in principle," and that the Soviet republics had "formed a community based on brotherhood and cooperation, respect and mutual assistance."[265] In January, 1989, Gorbachev renounced the idea of "*sliianie*" and started along the path of allowing more ethno-cultural and linguistic freedoms.[266] However, by that time Russian had already achieved its dominant position in the Soviet Union and the break-up of the State and the policies of de-Russification were about to begin.

III. LANGUAGES LAWS IN THE BALTIC STATES—RECLAIMING THE NATIONAL LANGUAGES

A. *A Necessary Response to Russification: The Results of Soviet Language Policy and the Loss of National Languages*

Khrushchev's language laws quickly achieved the goal of Russification in the Baltics as much as any other republic. Careful examination of Soviet data on languages illustrate three ways in which Khrushchev's policies succeeded. First, Khrushchev started a new perception of the

264. *Id.* at 244.

265. Thomas J. Samuelian, *Cultural Ecology and Gorbachev's Restructured Union*, 32 HARV. INT'L L.J. 159, 177 (1991) (citing Mikhail Gorbachev, *Report on Nationality Policy to the CPSU Central Committee*, Sept. 19, 1989, REPRINTS FROM THE SOVIET PRESS, Nov. 30, 1989).

266. *See generally* Samuelian, *supra* note 265, at 178–80.

Russian language as the most important language that was to be continued by the leaders that followed him. As Kreindler notes, this combination "produced a new and much more solid theoretical scaffolding in support of the superior position of Russian."[267] However, without Khrushchev's abandonment of the "national in form, socialist in content" doctrine, and without his notion that Russian had to be the common language of the people, these new theories would not have emerged.

Second, in terms of actual changes, it is possible to examine the data for how much the Russian language was spread over the Soviet Union. Although it is difficult to measure the language instruction in the non-Russian republic schools, it is possible to see that at least in some of the republics (Azerbaijan and Kazakhstan) the trend turned toward increased Russification of the schools.[268] Also, it is possible to see that after 1958 the national language schooling in the autonomous regions of the USSR had been decreased in favor of Russian language schooling.[269] Additionally, although the process of complete adoption of Russian by a minority ethnicity was lengthy, "the acquisition of Russian-language facility [did] probably constitute a necessary step in such a transfer, since the typical process of native language switching takes two or more generations and requires an intermediate stage of bilingualism."[270] Even though Khrushchev's policies might not have led to complete adoption, he did start the process.

There are several important considerations in examining Soviet data. First, the data on languages differentiates between where Russian is a native language and where a non-Russian language speaker is proficient in Russian as a second or third language. Second, as many have noted, there are some problems in reporting Soviet data.[271] Third, at least in regard to the census data, it is necessary to note that the question of native languages was framed identically in the Soviet population censuses of 1939, 1959, 1970, and 1979. The term "native language," in ethnic statistics, is usually understood to mean the first language mastered.[272]

Finally, data on Soviet language policy often reflects an increase in the spreading of Russian throughout the country, but does not indicate "language replacement" in all areas. Rather, as Fishman notes, language shifts in the USSR are primarily "language displacements": "The Soviet Union has attained universal Russification within sixty years. . . .

267. Kreindler, *supra* note 1, at 18.

268. *See* Silver, *supra* note 254, at 38.

269. *See id.* at 33–34.

270. *Id.* at 35.

271. For instance, the data can be inaccurate either due to faulty census taking or biased reporting. *See* Kreindler, *supra* note 1, at 29.

272. *See* KOZLOV, *supra* note 127, at 171.

However, the Soviet Union ... has at least, thus far, only attained universal *familiarity* with Russian as a second language. Only a very minor proportion of the total ethnically non-Russian population has given up its own mother tongue for Russian."[273] Nonetheless, it is still possible to measure changes in the spread of Russian in the population. Furthermore, the rate of the spread of Russian, even if only as a second language, was still quite significant compared to the rates of growth of other languages in the world.

Most of the data on language policy results reveals that Russian language instruction and Russian language use became more prevalent as a result of Khrushchev's policies.[274] In fact, the higher birthrates of the non-Russian and the increases in the matriculation rates of non-Russians, tend to hide the fact that, in relative terms, there probably was a decline in the proportions of non-Russian studying in their native languages.[275]

The programs were even more significant for those who did not have autonomous republics. These people were even more strongly affected by the increased emphasis on Russian, since there was not the linguistic community that existed in the non-RSFSR republics. As the data indicates, for eight of the minority groups with their own republics, the proportion of people naming the language of their nationality as their native language dropped from 1959 to 1970.[276] However, this drop can be seen in most of the groups without republics.

Statistics on education are best examined at the republic level, since not all republics kept equally careful records of language of instruction. Azerbaijan, a republic which published comprehensive statistics of language education offers some evidence to the success of Khrushchev's language policies. In 1938–1939, there were 173 Russian language schools in Azerbaijan.[277] By 1940–1941, they had increased to 178, but

273. JOSHUA A. FISHMAN, LANGUAGE AND ETHNICITY IN MINORITY SOCIOLINGUISTIC PERSPECTIVE 404–05 (1989) (citation omitted).

274. *See, e.g.*, LEWIS, *supra* note 107, at 132–34. One argument to the contrary is Lipset's examination of the languages of textbook publication, in which he concludes that the non-Russian languages have *not* significantly declined. Harry Lipset, *The Status of National Minority Languages in Soviet Education*, 19 SOVIET STUDIES 181, 181–89 (1967). However, Lipset's argument suffers from some methodological problems, most importantly his implicit acceptance of the assumptions that the age structures of each nationality in a republic are similar, and that children in all ethnic groups have identical matriculation rates. Therefore, his conclusions are interesting, but fail to prove that the non-Russian languages became more prevalent or even maintained their status, during Khrushchev's period. For a more detailed critique of Lipset, see Silver, *supra* note 254, at 36–37.

275. *See* Silver, *supra* note 254, at 37.

276. *See* LEWIS, *supra* note 107, at 132–34.

277. *See* Yaroslav Bilinsky, *Education of the Non-Russian Peoples in the USSR, 1917–1967: An Essay*, 27 SLAVIC REVIEW 411, 420 (1968) (quoting statistics from Azerbaijani sources).

then decreased to 174 in 1953–1954 and 152 in 1958–1959.[278] However, under Khrushchev's Russification drive, the number rose to 166 in 1963–1964.[279] Additionally, the number of Azerbaijani-Russian schools almost doubled from 158 from 1940–1941 to 295 in 1963–1964.[280] Their rate of increase was also accelerated under Khrushchev. In 1953–1954, there were 183 such schools, in 1958–1959 there were 231, and in 1963–1964 there were 295.[281] As Bilinsky notes, the increase in Azerbaijani-Russian schools is an important part of Russification. "Explicitly [this policy] is designed to strengthen the friendship of peoples, but it can also be used as an intermediary stage in the transformation of the entire school to an all-Russian one."[282]

Finally, aside from increasing the actual number of schools or actual number of students learning Russian, Khrushchev's reforms played a significant role in changing the need of the non-Russian population to learn the Russian language. Language policy usually promotes one language over another and therefore obviously helps the native speakers of that language. In the case of the USSR, language facility was very closely linked to social mobility.[283] Khrushchev's reforms changed the system enough so that all of those who wanted their children to advance made sure that the children learned Russian. Thus, the need to make sure that their children could succeed often outweighed the more ideological considerations of having to learn another language. In many cases, the results reflected a "tipping game" that sometimes occurs as a result of language policy. Although there was some discussion about the necessity of Russian language education, since Russian was such an important language, many people opted for Russian language instruction.[284] As others began to realize that their children would also need the same

278. *Id.*
279. *Id.*
280. *Id.*
281. *Id.*
282. *Id.*
283. Some argue that "ethnicity" itself plays a role in social mobility, or that there is discrimination against some national groups regardless of language. *See* KARKLINS, *supra* note 114, at 62–72. However, proficiency in Russian *may* help some nationalities overcome that problem. This is especially true of non-native Russian speakers, such as the Central Asian nationals who are given spaces in Russian universities, but must pay the entry cost of learning Russian. Knowledge of Russian plays much less of a role for Soviet Jews because most of the members of this group already speak Russian and are discriminated against simply on the basis of their ethnicity.
284. It is important to note that this affected both the titular republic nationals and the "minority" ethnic groups in the republics. Although, in some cases, this caused the titular nationals to attempt to assimilate the minority nationals, in generally resulted in increased Russification for all of the groups. Whether or not the minority groups preferred to be assimilated into the Russian culture or the culture of the republic differs from case to case.

advantage, they also tended to gravitate toward Russian language education.

Thus, Khrushchev made significant progress in giving Russian its position of importance in the Soviet Union. He gave theoretical backing to some of the steps made by Stalin, and began the promotion of Russian in the schools through his educational reforms. Russian began to be viewed as the language of all official business and, in effect, as *the* language of the USSR.

This prominence was felt in all parts of the country, including the Baltic republics. In the Estonian Soviet Socialist Republic, as it was then called, Russian was required in all areas of life. "[A]ll official functions were listed in Russian first, Estonian second. For many practical purposes, such as calling an ambulance or reading recipes on food cans, Russian quite simply reigned supreme."[285] Russian was also the only language of the military.[286]

All three Baltic states had a significant percentage of minority ethnic groups:

Table 1[287]

	Population	Ethnic Nationals		Russians	
		Number	Percentage	Number	Percentage
Estonia	1,565,000	954,000	61%	470,000	30%
Latvia(a)	2,679,000	1,400,000	52%	907,000	34%
Lithuania	3,761,000	2,997,000	81%	344,000	9%
Armenia	2,966,000	3,100,000	93%	52,000	2%
Azerbaijan	6,760,000	5,800,000	83%	392,000	6%
Belarus	10,064,000	7,900,000	78%	1,300,000	13%
Georgia	5,595,000	3,800,000	69%	341,000	6%
Kazakhstan	16,282,000	6,500,000	40%	6,200,000	38%
Kyrgyzstan	4,199,000	2,200,000	52%	917,000	22%
Moldova	4,315,000	2,800,000	65%	562,000	13%
Tadzhikistan	5,352,000	3,200,000	62%	388,000	7%
Turkmenistan	3,406,000	2,500,000	72%	334,000	10%
Ukraine	51,298,000	37,400,000	73%	11,300,000	22%
Uzbekistan	19,929,000	14,100,000	71%	1,600,000	8%

285. GERNER & HEDLUND, *supra* note 125, at 75.

286. *See* KARKLINS, *supra* note 114, at 116.

287. *See* Efron, *supra* note 73, for ethnic and Russian population totals and percentages. Population calculated from above figures. In Estonia there are 40,000 Ukrainians and 23,000 Byelorussians. *See Estonians, Russians, and the Burden of History*, *supra* note 39. In Lithuania, more than seven percent of the inhabitants are Polish. *See* Bernhardt & Schermers, *supra* note 29, at 253.

This data is even more compelling when compared to data taken during the Soviet period. In Latvia, the proportion of Latvians fell from over seventy-five percent in 1935 to under fifty-two percent in 1989.[288] The Russian community rose from nine percent to over thirty-four percent during that time.[289] Seventy percent of Riga's residents have Russian as their first or only language.[290]

In Estonia, from 1934 to 1989, the number of ethnic Estonians in the population fell from 88.2 percent to 61.5 percent, while the number of Russians grew from 8.2 percent to 30.3 percent.[291] In both Latvia and Estonia, Latvians and Estonians were minorities in many of their own largest cities.[292] Thus, as a result of the policy of Russification, the Baltic languages—and to some extent the national ethnic groups themselves—found there very existence threatened. In order to reverse the overwhelming influence of the Russian language, the newly independent states had to enact laws to artificially counteract this and forcibly imposed domination to reclaim their own languages.

B. *A Legitimate Response to Russification: Prerogatives of Statehood and the Quest for Cultural Independence*

The Baltic laws focus on the promotion of the ethnic languages. The language law of Estonia, for example, aims at promoting and strengthening the use of the Estonian language.[293] The goal of the laws, however, is not to "Estonify" the Russians, but to make sure than the Estonian language is not lost.

The justifications offered by the Baltic states have been accepted by international organizations. The Secretary General of the United Nations stated that:

> Since the national identity of Estonians is intimately linked to their language, which is not spoken anywhere else in the world, it is important and legitimate for Estonians to give high priority to the active use of the Estonian language in all spheres of activity in Estonia.[294]

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288. *See* De Meyer & Rozakis, *supra* note 67, at 245.

289. *See* Krumm, *supra* note 69.

290. *See Them and Us*, *supra* note 22.

291. *See International Body Tells Estonia to Lower Citizenship Hurdle*, *supra* note 55.

292. *See Statement of Arthur C. Helton*, *supra* note 104.

293. *See* Pekkanen & Danelius, *supra* note 37, at 240–41.

294. DE VARENNES, *supra* note 10, at 245 (quoting *Situation of Human Rights in Estonia and Latvia—Report of the Secretary General* 10 (United Nations Publications 1993)). However, Professor de Varennes argues that some of the language laws may not be appropriate.

Similarly, others who reviewed the language laws found that for the Baltic states, "[p]art of the quest for independence involves a reassertion of national control over language and culture."[295]

The laws in the Baltic states also do not violate international law. International law extends its protections to various kinds of minorities, including ethnic, racial, and, in some cases, linguistic minorities.[296] Article 1(3) of the UN Charter states that it is the aim of the United Nations to ". . . encourag[e] respect for human rights and for fundamental freedoms for all without distinctions as to race, sex, *language*, or religion . . . ."[297] Both the Universal Declaration of Human Rights[298] and the International Covenant on Economic, Social and Cultural Rights[299] provide freedom from discrimination on the basis of language.[300] The UN General Assembly also passed a resolution aimed at protecting the rights of ethnic, religious, and linguistic minorities.[301] However, it is a widely accepted

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295. Eide, *supra* note 152, at 1330.

296. *See, e.g.*, Barbara Mikolajczyk, *Universal Protection of Minorities (Selected Problems)*, 20 POLISH Y.B. OF INT'L L. 137 (1993) (discussing some specific problems in the protection of minorities). *See also* Ryszard Cholewinski, *State Duty Towards Ethnic Minorities: Positive or Negative?*, 10 HUM. RTS. Q. 344 (1988) (arguing that under Article 27 of the International Covenant on Civil and Political Rights, Dec. 19, 1966, 999 U.N.T.S. 171, 179, states are under a positive duty to assist ethnic minorities in the preservation and development of their culture, language, and religion).

297. U.N. CHARTER art. 1, para. 3 (emphasis added). *See also* Joseph P. Gromacki, *The Protection of Language Rights in International Human Rights Law: A Proposed Draft Declaration of Linguistic Rights*, 32 VA. J. INT'L L. 515, 532 (1992).

298. G.A. Res. 217A (III), U.N. Doc A/810, at 71 (1948). *See also* Gromacki, *supra* note 297, at 533 (noting that "Article 2 of the Universal Declaration states that '[e]veryone is entitled to all the rights and freedoms set forth in this declaration, without discrimination of any kind, such as race, color, sex, *language*, religion. . . .'") (quoting G.A. Res. 217A (III), *supra*).

299. International Covenant on Economic, Social and Cultural Rights, Dec. 19, 1966, art.2(2), 993 U.N.T.S. 3 (1976) [hereinafter International Covenant]. *See also* Gromacki, *supra* note 297,at 535 (noting that the parties to the covenant " 'undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, color, sex, *language*, religion, political or other opinion . . . .'") (quoting International Covenant, *supra*, art. 2(2)).

300. *See generally* Gromacki, *supra* note 297, at 515 (discussing language rights protection under international law).

301. See *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities*, G.A. Res. 47/135, U.N. GAOR, 47th Sess., Supp. No. 49 (1992) [hereinafter *Rights Declaration*], *reprinted in* Advance Text of Resolutions and Decisions adopted by the General Assembly at its 47th Session, Press Release GA/8470, Feb. 1, 1993, at 365 [hereinafter Resolutions of the 47th Session]. The resolution provides, inter alia, that "[p]ersons belonging to national or ethnic, religious and linguistic minorities . . . have the right to . . . use their own language, in private and in public, freely and without interference or any form of discrimination." *Rights Declaration, supra*, Annex, art. 2(1), *reprinted in* Resolutions of the 47th Session, *supra*, at 367. The resolution further provides that "[n]o disadvantage shall result for any person belonging to a minority as the consequence of the exercise or non-exercise of the rights set forth in this Declaration." *Rights Declaration, supra*, Annex, art. 3(2), *reprinted in* Resolutions of the 47th Session, *supra*, at 367.

norm in international law that States are free to establish their own laws on citizenship.[302]

The strongest arguments against the laws of the Baltic states have been arguments stressing potential human rights violations.[303] One immediate response to this criticism is that the citizenship and language laws of the Baltic states have been reviewed by the UN, the Council of Europe, the European Commission, and CSCE delegations.[304] The reviewers have consistently found that the legislation does not violate human rights standards.[305] For example, a European human rights study found that Lithuanian rules on citizenship did not violate any international standards.[306] In fact, even after Lithuania's independence, over forty thousand Russians emigrated to Lithuania.[307]

Moreover, the Baltic states, unlike the Soviet Union, have tried to protect linguistic minorities as much as they could.[308] All three states have enacted legislation to protect linguistic minorities.[309] The Latvian language law was even found to grant a sufficient allowance for Russian as a second language and to give extensive facilities to Russian-speakers.[310] During the time of Soviet occupation, the international community argued that the Baltic groups—and their culture and languages—deserved protection.[311] The laws that have been enacted try to do just that.

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302. *See, e.g.*, RESTATEMENT (THIRD) OF THE FOREIGN RELATIONS LAW OF THE UNITED STATES § 211, cmt. c (stating that "[a] state is free to establish nationality law and confer nationality as it sees fit"). The Declaration itself provides that "[n]othing in this Declaration may be construed as permitting any activity contrary to the purposes and principles of the United Nations, including . . . territorial integrity and political independence of States." *Rights Declaration*, *supra* note 301, Annex, art. 8(4), *reprinted in* Resolutions of the 47th Session, *supra* note 301, at 368. *See also* Pekkanen & Danelius, *supra* note 37, at 239 para. 35 (noting that "neither the European Convention on Human Rights, nor any other international human rights convention recognizes the right to a certain citizenship as a human right").

303. *See, e.g.*, Holzapfel, *supra* note 13. *See generally supra* text accompanying notes 70–102.

304. *See* Fehervary, supra note 75, at 393. *See also, e.g., Estonian CSCE Comments*, *supra* note 45; Pekkanen & Danelius, *supra* note 37.

305. *See, e.g., Estonian CSCE Comments*, *supra* note 45; Pekkanen & Danelius, *supra* note 37.

306. *See* Pekkanen & Danelius, *supra* note 37, at 253 para. 31.

307. *See id.* at 254 para. 37.

308. *See, e.g.*, FEDERAL RESEARCH DIVISION, LIBRARY OF CONGRESS, ESTONIA, LATVIA, AND LITHUANIA: COUNTRY STUDIES 33, 118, 205 (Walter R. Iwaskiw ed., 1996) (indicating that all three Baltic governments permit linguistic minorities to pursue education in their native languages).

309. *See supra* Part I (discussing Estonia, Latvian, and Lithuanian laws).

310. *See* Pekkanen & Danelius, *supra* note 37, at 248.

311. *See e.g.* Igor Grazin, *supra* note 152, at 1398 (noting that "[t]he acts aimed at the assimilation of the Baltic ethnic groups into the Soviet Union and their sovietization justified their claims for cultural and ethnic protection").

Finally, to the extent that there has been a discriminatory effect on the Russian community, that effect has been an unfortunate result of, and is outweighed by, otherwise necessary—and legitimate—state goals. Soviet laws lacked this legitimacy. First, the Soviet Union, unlike the Baltic states, was not a State formed around a single ethnic identity. From its beginning, it was a multi-ethnic, multi-lingual State and the imposition of Russian on the many linguistic minorities was an artificial way to try to blend the various cultures. The Baltic states have been formed around ethnic identity and the international community has supported the promotion of majority languages as national languages in the Baltic states as legitimate.[312] Second, Russian was always a predominant language and was not threatened with extinction. Russification was not a reclamation effort, but rather an assimilationist one.

One argument often made against the language laws in the Baltic states is that these states are also multi-ethnic and that the numbers of Russians in those states requires more liberal language laws.[313] However, the concern in the States is that since the national ethnic group constitutes less than an overwhelming majority of the population, strict laws are necessary in order to prevent the loss of the ethnic and linguistic heritage.[314] The laws have also varied by State according to how much protection was needed. Lithuania, for example, was able to have looser citizenship laws because Lithuanians constituted a majority of the population.[315] At the same time, the Lithuanian Constitution focuses on the protection of the Lithuanian language.[316]

Of course, promotion of the ethnic languages has not been without a price. Russian flight, less of a concern in the Baltics where greater percentages of the native populations are professionals such as doctors and engineers, has been a concern in the other states. The States have also had

312. *See* Pekkanen & Danelius, *supra* note 37, at 241 para. 50, 51 (noting however, in reference to Estonia's language law, that it is questionable whether it is permissible for the legislature to enact provisions governing the activities of "firms, institutions and organizations"). At the same time, promotion of a majority language must be done so as to ensure that members of linguistic minorities are not at a substantial disadvantage in their with the authorities. *See id.* at 241 para. 50.

313. For example, Professor de Varennes argues that the citizenship laws in Latvia and Estonia do not take into account the large number of Russian speakers in those states and the difficulty many of them will face in trying to learn Russian. *See* DE VARENNES, *supra* note 10, at 244–247.

314. *See generally* Hiatt, supra note 85 (noting that "many Estonians worr[y] that their culture and language, suppressed for 50 years, would be buried by unfavorable demographics"). In Latvia, debates about the various draft citizenship laws revealed the concern that granting blanket citizenship rights might result in the Latvians becoming a minority in their own country. *See* Bridge, *supra* note 67.

315. *See supra* Table 1.

316. LITH. CONST. preamble.

to risk strong opposition from Russia. But, the slight cost to the Russian language is deemed to be worth enhancing and reviving the national languages in the Baltic states.

C. *Reclaiming the National Languages in All of the Post-Soviet States*[317]

Baltic language laws do not severely differ from those in other post-Soviet states. For example, the Constitution of Moldova adopts "Moldovan" as the official language.[318] The Russian minority in Moldova is concentrated in the province of Transdnestr.[319] With strong prompting from Russia leadership in Moscow, the Russians in Transdnestr have argued for secession from Moldova because they are subject to language discrimination by the Moldovan authorities.[320] The Russian minority in Moldova anticipated problems even before Moldova became independent and protested about its possible future mistreatment.[321]

However, prior to Moldova's independence, it was subject to the same policies of Russification. Soviet authorities required that Moldovan be written in the Cyrillic alphabet to emphasize that it was not Romanian.[322] This policy was designed to cut the strong linguistic and historical links between Moldova and Romania.[323] Moldovan is virtually identical to Romanian.[324] Like the Baltics, Moldova has justified its promotion of Moldovan by noting the legacy of the Soviet policies.[325]

In the parts of Moldova where Russians are prevalent, struggles to reclaim the Moldovan language offer further justification for the language laws. For example, in the Dnestr region, teachers went on strike when regional authorities required that lessons be taught using the Cyrillic

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317. This focuses on the post-Soviet states other than Russia.

318. CONSTITUTIA REPUBLICII MOLDAVA [Constitution] art. 13 (Mold.), *reprinted and translated in* 12 CONSTITUTIONS OF THE COUNTRIES OF THE WORLD (Albert P. Blaustein & Gisbert H. Flanz eds., 1996) (declaring that "Moldovan," written in the Latin alphabet, shall be the national language, but acknowledging "the right to preserve, develop and use the Russian language and any other language").

319. *See* Jonathan Eyal, *A Border War We Filed Away*, THE INDEPENDENT (LONDON), Feb. 10, 1994, at 23.

320. *See id.*

321. *See* Sunley, *supra* note 96.

322. *See* King, *supra* note 8, at 61.

323. *See* Eyal, *supra* note 319.

324. *See* King, *supra* note 8, at 60–61 (comparing Moldovan and Romanian to American English and British English).

325. *See* John Quigley, *Towards International Norms on Linguistic Rights: The Russian-Romanian Controversy in Moldova*, 10 CONN. J. INT'L L. 69, 81–82 (1994) (including an in-depth discussion of the history and status of Moldovan language policies). This is the same justification used by the Baltic states. *See supra* text accompanying notes 103–106.

script.[326] The local Russian authorities in Dnestr even refused to fund Moldovan language schools.[327]

Similarly, Ukranian is the official language of Ukraine.[328] In the largely Ukrainian city of Lviv (in west Ukraine), the city council even decided to stop enrolling students in the city's last Russian-language class.[329]

In Azerbaijan, Azerbaijani is the official state language.[330] Russians in Azerbaijan have demanded a referendum on declaring Russian to be a second state language.[331] The president of Azerbaijan, Abulfaz Elchibei, has been concerned over the flight of Russian specialists from Azerbaijan.[332] The number of Russians in Azerbaijan has dropped from over 500,000 in 1989 to 200,000 in 1994.[333]

The Russian minority in Azerbaijan constitutes three to five percent of the population.[334] The president of Azerbaijan was among the first leaders of the newly formed states to issue a decree that protected the rights of ethnic minorities and supported the development of minority languages.[335] However, the Azerbaijani language is being rapidly intro-

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326. *See Romanian-Language School in Dniester Suspends Strike,* OMRI Daily Digest, Oct. 8, 1996 (visited Nov. 13, 1997) <http://search.omri.cz/bin/omri.acgi$main_search>. This was contentious because the Romanian speaking Moldovans use the Latin script, whereas the Russian minority in that region uses the Cyrillic script.

327. *See Chisinau, Tiraspol Deadlocked on "Moldovan-Language,"* OMRI Daily Digest, Sept. 29, 1995 (visited Nov. 13, 1997) <http://search.omri.cz/bin/omri.acgi$main_search>.

328. *See* KONSTITUTSIIA UKRAINIY [Constitution] art. 7 (Ukr.), *reprinted and translated in* 20 CONSTITUTIONS OF THE COUNTRIES OF THE WORLD (Albert P. Blaustein & Gisbert H. Flanz eds., 1994). However, in heavily Russian eastern Ukraine, Russians voted to make Russian a second language. *See Moldova Puts Off Language Testing,* UPI, Apr. 2, 1994, *available in* LEXIS, News Library, Arcnws File.

329. *See Socialists Protest End to Russian-Language Schooling in Lviv,* OMRI Daily Digest, Sept. 6, 1995 (visited Nov. 13, 1997) <http://search.omri.cz/bin/omri.acgi$main_search>. The head of the Lviv education department even threatened to resign if Kiev ordered Lviv to renew enrollment. However, members of the Socialist party of Ukraine went on strike to protest the end of the Russian-language classes. *Id.*

330. KONSTITUTSIIA AZERBAIDZHANSKOI RESPUBLIKI [Constitution] art. 21 (Azer.), *reprinted and translated in* 1 CONSTITUTIONS OF THE COUNTRIES OF THE WORLD (Albert P. Blaustein & Gisbert H. Flanz eds., Booklet 2, 1996). *See* Ali Naibov, *If You Don't Know The Language, Pack Up and Go,* RUSSIAN PRESS DIGEST, Jan. 16, 1993, *available in* 1993 WL 10469517.

331. *See, e.g., Russians in Azerbaijan Want Russian as Second State Language,* OMRI Daily Digest, Sept. 28, 1995 (visited Nov. 13, 1997) <http://search.omri.cz/bin/omri/acgi$main_search>. If this passes, this would be similar to the Kyrgyz provision.

332. *See, e.g., id.*

333. *Id.*

334. *See* Naibov, *supra* note 330 (estimating the Russian minority as five percent); Susan Sachs, *Central Asia's Awakening,* NEWSDAY (NEW YORK), Sept. 7, 1997, at A6, *available in* Lexis, News Library, Curnws File (estimating the Russian minority as three percent).

335. *See* Naibov, *supra* note 330.

duced in all areas of public life.[336] This is despite the fact that, unlike the Baltic situation, it is very difficult to study Azerbaijan since there are not enough manuals or language courses.[337]

Unlike Azerbaijan, some of the post-Soviet states have made a slight concession to make Russian a second language. For example, in Belarus, Belarusian is the official language.[338] However, the Russian language is also constitutionally safeguarded.[339]

Kazakhstan has adopted Kazakh as its official language but has allowed Russian to occupy an "equal ground" with Kazakh in state and local administrative bodies.[340] Therefore, Kazakh is not necessary for official purposes.[341] Many ethnic Kazakhs argued that it was necessary to make Kazakh the official state language without sharing constitutional protection with Russian.[342] The Russians in Kazakhstan protested, arguing that even many Kazakhs could not read or write in their own language and that it would be chaotic to have this become the main language overnight.[343] The Russian minority in Kazakhstan also complained that Kazakh president, Nursultan Nazarbayev, has given the best jobs to the Kazakh majority and has denied Russians proper representation.[344]

In Kyrgyzstan, where the Kyrgyz just barely constitute a majority of the population,[345] Kyrgyz is the state language.[346] The Constitution also provides for the "preservation, equal and free development and functioning of the Russian language."[347] This amendment was intended to have a

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336. *Id.*

337. *Id.*

338. *See* KONSTITUTSIIA RESPUBLIKI BELARUS' [Constitution] art. 17 (Belr.), *reprinted and translated in* 2 CONSTITUTIONS OF THE COUNTRIES OF THE WORLD (Albert P. Blaustein & Gisbert H. Flanz eds., 1997).

339. *Id.*

340. *See* KAZ CONST. art. 7.

341. *See* Stephen Kanter, *Constitution Making in Kazakhstan*, 5 SPG INT'L LEGAL PERSP. 65, 77 (1993).

342. *See id.* (noting that the ethnic Kazakhs felt that it was "important to reassert Kazakh sovereignty and nationalism after years of Soviet domination and that language was a crucial symbol in this regard").

343. *See id.* The use of the Kazakh language had significantly declined during the Soviet period.

344. *See* Alan Philps, *Kazakhstan: Western Aid, Asian Role-Models, Vast Kazakhstan in One More Name in the Confusion Roll-Call of Former Soviet Vassal States*, THE DAILY TELEGRAPH (LONDON), Mar. 21, 1994, *available in* 1995 WL 11336507.

345. *See supra* Table 1.

346. *See* KONSTITUTSIIA KYRGYZSKOI RESPUBLIKI [Constitution] art. 5 (Kyrg.), *reprinted and translated in* 10 CONSTITUTIONS OF THE COUNTRIES OF THE WORLD (Albert P. Blaustein & Gisbert H. Flanz eds., 1994).

347. *Id.* art 5(2).

two-fold effect: to stop the flight of the Russians out of that State and to facilitate ties with Commonwealth of Independent States countries.[348]

However, despite the slight symbolic concessions made in some states toward Russian, the leaders of all the former Soviet republics have been united on their freedom to dictate their own civil laws, including language laws, free from Russian interference.[349] At a meeting in Ukraine in 1993, leaders met to denounce Moscow's pledge to protect Russians who find themselves in the newly independent states.[350]

At this meeting, even Kazakh President Nursultan Nazarbayev who is normally pro-Russian, compared Russian protection of Russians in the post-Soviet states with Hitler's justification of his invasion of the Czechoslovakian Sudetenland.[351] Even the most pro-Russian State, Belarus, objected to the Russian position.[352] Thus, all the States have agreed on the basic idea that promotion of their national languages is an essential part of reclaiming their culture and gaining cultural independence.

CONCLUSION: THE IMPORTANCE OF LANGUAGE LAWS

Between 1953 and 1963, Khrushchev enacted language policies that were meant to "merge" the nations of the USSR. Since he did this in conjunction with his other, more liberal policies, the important question arises of why a "reformer" had to engage in language policies of Russification. The simplest answer to this question is that, for the Soviet Union, any leader who attempted to change Soviet society and allow for greater freedoms would immediately uncover a torrent of ethnic sentiment. Since one of the most important aspects of maintaining power was keeping the Soviet Union together, it became necessary to hold back ethnic expression, or even attempt to change national identity. This was not necessary for Lenin or Stalin since they both had strong control over the government. Brezhnev, Andropov, and Chernenko continued most of

348. *See Referendum on Russian Language to be Held in Kyrgyzstan*, OMRI Daily Digest, Nov. 27, 1995 (visited Nov. 13, 1997) <http://search.omri.cz/bin/omri/acgi$main_search>.

349. *See Republics Lash Russian Vow of Ethnic Solidarity, supra* note 74.

350. *See id.* Then foreign minister Andrei Kozyrev had said the Moscow would "protect the Russian population and Russia's interests in a tough manner, wherever it is needed and whoever is concerned, even if it be our friends." *Id.*

351. *See id.*

352. *See id.* A Belarus leader stated that "[n]o one here need be defended by Russia. Everyone in Belarus has full civil rights regardless of nationality." *Id.* Similar statements were made by officials from Georgia, Uzbekistan, Estonia, Latvia, Moldova and Ukraine. *Id.*

Khrushchev's language policies, not necessarily because they were reforming the society, but because they needed to maintain their power.[353]

Thus, one of the main lessons of Khrushchev's language policy is that a liberal language policy is often incompatible with other liberal domestic policies, at least in a multilingual State without a unifying ethnic identity. The Soviet Union, though a more Russified State since Khrushchev's time, continued to have a multitude of languages and nationalities. The Orwellian inequality in language status permeated Soviet society and continues to be felt in the newly independent states. And in many ways this inequality was started by a "reformer's" policy of "*sliianie.*"

The irony of Khrushchev's reign also explains why language laws are so important. As noted earlier, it is nearly impossible for any leader to actually change "ethnic identity." When, as in the USSR and many other states, language and ethnicity are so closely linked, language policy can be used as a weapon against ethnic identity. For the Baltic states this meant that languages and ethnic cultures were threatened with extinction through the policy of Russification.

At the same time, the current laws of the Baltic states show that language laws can be used to strengthen and reclaim language and culture. The leaders of the Baltic states must address various concerns including strengthening their newly independent states, reversing the policies of the Soviet Union and establishing a cohesive and efficient state structure. At the forefront is the need to reestablish their linguistic and cultural identity.

Some of the older citizens recall the independent period. Even those born during Soviet occupation of the Baltics may remember the national language as their "language of lullabies." However, the Soviet legacy erased much of that culture. The language laws of the Baltic states are a necessary and timely means of getting it back.

353. It is tempting at this point to add that Gorbachev allowed for greater freedoms, and during his reign the Soviet Union ceased to exist. However, the collapse of the Soviet Union was due to a variety of factors and is far too complex to be explained away in a footnote.