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**POLITICAL DISCOURSE ANALYSIS OF RELIGION AND STATE
RELATIONS IN CONTEMPORARY LITHUANIA: A CASE STUDY
OF THE ANCIENT BAL TIC RELIGIOUS ASSOCIATION
“ROMUVA” STATE RECOGNITION PROCESS IN 2018-2021**

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Summary

Religion, as one of the most important social institutions, has seen its position challenged by the processes of modernization. One of the fields in which it had previously enjoyed substantial influence is politics and state power. With the advent of secularism, countries were faced with solving the puzzle of what precise connection the two institutions can maintain without compromising freedom of belief, equality before the law, minority rights and avoiding the pitfalls of oppression.

The aims of this thesis are to:

- Provide an overview of the theory of secularization, its predictions and criticisms;
- Analyze the field of religion and state relationship with focus on the position of religious minorities globally and in Lithuania;
- Analyze the arguments of decision makers when deliberating upon minority religious organizations and them being granted state recognition;
- Compare and contrast these arguments with predictions of secularization theory.

While the theory of secularism predicted the decrease of the influence of religion, and the ideals of separation of state and religion seemed to become synonymous with modern democratic state, religious organizations appear to be reluctant to accept the requests to retreat from the public sphere and sever its ties with the state.

The states, in turn, retained regulatory power of religious organizations, which, in many cases, resulted in discriminatory practices against the majority of them. The ideals of

secularism, when applied to reality, take various shapes, some of them resulting new relationships between state and religious organizations.

The empirical part of the research was accomplished by analyzing political discourse during all procedural stages of Seimas's deliberations regarding the granting of state recognition to "Romuva" religious organization, in order to provide additional insight into the motivation for the state's treatment of religious minorities. Members of Parliament, who are granted the collective prerogative to grant state recognition to religious organizations in Lithuania, provided numerous motives for their refusal to grant it to "Romuva". The religious organization was presented as lacking religious character, a cultural rather than a religious movement, insignificant and too small, especially when compared to the majority religion, a threat to Christianity, and, by extension - to national security. The possibility of "Romuva" being granted state recognition was interpreted as having profound negative impact on Lithuania's international standing and its relationship with its Christian allies.

The arguments used to justify the state's refusal to grant recognition to "Romuva" minority religious organization showed that state's relationship with particular religious minorities remains an issue of great political and geopolitical significance in Lithuania; that in matters of state regulation of religion, Seimas as a political institution displays extensive normative influence of the dominant religion; and that the state's decisions regarding the establishment of relationships with minority religious organizations is significantly influenced by the religious identity of applicant organizations.

The European Court of Human Rights found the treatment of "Romuva" by Seimas to be discriminatory, which resulted in both the need to reassess "Romuva's" application, as well as to make changes to the process as a whole in order to prevent such shortcomings in the future. Possible changes to the process of granting state recognition are also suggested, including the introduction of additional stages as well as the possible inclusion of additional institutions in the final decision making.

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INTRODUCTION

Religion, as one of the most important social institutions, has seen its position challenged by the processes of modernization. One of the fields in which it had previously enjoyed substantial influence is politics and state power. With the advent of secularism, countries were faced with solving the puzzle of what precise connection the two institutions can maintain without compromising freedom of belief, equality before the law, minority rights and avoiding the pitfalls of oppression.

The equality, non-discrimination and separation clauses included in many of the states' constitutions and founding legal documents in many cases proved to be a noble ideal rather than a factual reality. Jonathan Fox (2018a) found that the overwhelming majority of states in the modern world discriminated against religious minorities, a situation which led him to the conclusion that despite calls for and claims of religious freedoms, the global norm was precisely the opposite: the unfree exercise of religion. Post-communist states are no exception to such controversies.

After the collapse of the Soviet Union and the re-establishment of independence, the former states of the Union of Socialist Republics (USSR) had to embark on a difficult path to recreate their legal, economic and social frameworks, allowing them to leave command economy, dominated by a discredited ideology and one-party political system behind. One of the most important tasks which had to be accomplished was the replacement of the old Soviet system of single established political ideology and atheization with a framework compatible with liberal democracy, ensuring the essential freedoms of conscience, thought, and religion. The process was (and to some degree still is) a difficult one. Research conducted by Ališauskienė and Glodenis (2013) found that after more than two decades of independence, the absolute majority of respondents belonging to religious minorities in Lithuania were subjected to negative labeling (sects, cults), and identified the dominant religious organization as well as the legal framework itself as the main reasons for religious discrimination.

The legal system and the state's treatment of religious minorities was tested in 2018, when Seimas began deliberating upon the application to be granted state recognition, submitted by "Romuva", a minority religious organization, which self-identifies as representing the ancient Baltic faith. On 26 June, 2019, with a vote of 40 'for', 31 'against', and 15 abstentions, Seimas, for the first time, refused the request.

The process as well as the ultimate rejection of “Romuva’s” request generated a lot of controversy, culminating in the religious organization’s decision to file suit against the state of Lithuania in the European Court of Human Rights (ECtHR) for, among other things, the violation of the freedom of conscience and discrimination. The court unanimously declared that by handling “Romuva’s” application the way it did, Lithuania failed to uphold the state’s duty to remain neutral and impartial in matters of regulation of religion, and by doing so violated two articles (13 and 14) of the European Convention of Human rights.

Problem – the refusal to grant state recognition to “Romuva” highlighted several problematic areas in the relationship between state and religion in Lithuania, especially in the state’s treatment of religious minorities. The state was declared to have failed in its duty of neutrality and impartiality. While discrimination against religious minorities, as shown by the research of Fox, Ališauskienė and Glodenis, is the global norm rather than the exception, it had never previously taken the shape of refusal to grant state recognition in Lithuania.

The legal framework of the process in Lithuania is relatively open-ended, leaving enough room for decision-making based on political and ideological grounds. This makes the analysis of not only the clearly outlined legal aspects of the process, but also its subjective part, namely - the reasons, arguments and motivations the decisions makers employ in justifying their treatment of religious minorities - crucial for determining the actual approach of the state to religious minorities, and possible ways to prevent their unfair treatment.

Object: the treatment of religious minorities by the state in Lithuania in their attempts requests to be granted state recognition.

Purpose: determining the challenges faced by religious minorities in developing their relationship with the state, the basis for those challenges, and possible solutions.

Aims:

The aims of the thesis are to:

- Provide an overview of the theory of secularization, its predictions and criticisms;
- Analyze the field of religion and state relationship with focus on the position of religious minorities globally and in Lithuania;
- Analyze the arguments of decision makers when deliberating upon minority religious organizations and them being granted state recognition;
- Compare and contrast these arguments with predictions of secularization theory.

Research methods:

The initial research consists of an overview of available scientific literature on the state of religion, secularization, the nature of relationship between state and religion, as well as its practical implications for religious minorities. This is followed by the analysis of the legal framework embodying this relationship in Lithuania.

The empirical part is based upon data gathered using qualitative content analysis, applied to relevant instances of political discourse. In order to achieve the abovementioned goals, a parliamentary discourse analysis is performed, analyzing the arguments used, together with the linguistical strategies and mechanisms used to deliver them.

Proposed hypotheses:

1. The state's approach towards minority religious organizations seeking state recognition displays a high level of normative influence by the dominant religion;
2. The religious identity of the organization seeking to be granted state recognition, as well as the content of its teachings and practices, is a major factor in shaping the attitude of the state towards it, even in cases where they are not in conflict with the law and public morals.

Work limitations and difficulties

The proposed methodology is purposefully limited to a specific type of discourse in order to ensure that data comparisons between different actors of discourse are as fair and consistent as possible. While this allows to evaluate data that is generated under identical conditions, provisions must be made that other arguments, not present in parliamentary discourse, could supplement the hypotheses. Research focused on other types of discourse that is less related to the exercise of political power could expand the understanding of the issue.

MAIN CONCEPTS

Religious organization – a group of individuals seeking to promote the goals of a common religious ideology; organizations whose identity and mission are derived from a religious or spiritual tradition, including religious communities and associations as defined by the Law on Religious Communities and Associations.

Secularization – the decline of religious beliefs and practices; the privatization of religion and its retreat from the public sphere; the emancipation of non-religious spheres from the influence of religious norms and practices.

Secularism – the principle of separation of state and religion; the state of them being separate.

State recognition – legal status granted by the state to a religious organizations, entailing possible benefits, privileges and exemptions, as well as the support of the state for the activities and teachings of the said organization.

Abbreviations

ECtHR – European Court of Human Rights

CEP – Commission on Ethics and Procedures

CCtRL – Constitutional Court of the Republic of Lithuania

HU-LCD – Homeland Union – Lithuanian Christian Democrats

I – Independents

LBC – Lithuanian Bishops' Conference

LFGU – Lithuanian Farmers and Greens Union

LM – Liberal Movement of the Republic of Lithuania

LRCA – Law on Religious Communities and Associations

MOJ – Ministry of Justice of the Republic of Lithuania

RCC – Roman Catholic Church

SDPL – Social Democratic Party of Lithuania

1. RELIGION IN THE MODERN WORLD: A STRUGGLE FOR PURPOSE AND INFLUENCE

1.1 SECULARIZATION: PROCESS AND THEORY

Religion has been one of the most constant and pervasive institutions in human societies. The relationship between religion and other aspects of collective human existence – economy, culture, science, politics – has historically been of such entanglement and interdependence, that drawing a clear line between them was in many instances an exercise in futility. Their coexistence was so seamless and natural, “that “religion” itself as a historical category and as a universal globalized concept emerges as a construction of Western secular modernity.” (Asad, 2003, p. 191)

With the advances of early modern science, religious movements advocating the rejection of strictly hierarchical control structures, as well as political ideologies based upon individual liberties, and the transition of societies from agriculturalism to industrialization, the previously unchallenged position of religion in virtually all fields of human affairs began to erode (Casanova, 1994, p. 21). The collective outcome of the processes, secularization, came to mean “the decline in the social significance of religion” (Wilson, 1982, p. 149) and “the displacement of religion from the centre of human life” (Bruce, 2011, p. 1), “by which sectors of society and culture are removed from the domination of religious institutions and symbols” (Berger, 2011, p. 125).

Classical sociologists, such as Max Weber (1946, 1993), pinned a great deal of the declining influence of religious institutions on the shifting epistemological and ethical paradigms. Where previously religion enjoyed a hegemonic position in providing the rationalization of the senseless world, it became more and more challenged by alternative sources which fulfilled the same task. The terms Weber uses as placeholders for secularization – “disenchantment”, “rationalization”, “intellectualization” – encapsulate well his general outlook, that the previously dominant metaphysical answers provided by religion could be – and in many cases were – successfully challenged by science and the development of individual spheres of the secular world (political, economic, military) with their own independent, internal systems of making sense of the world.

They were later joined by Brian Wilson (1969), David Martin (1978) and Peter Berger (2011), who further developed the secularization paradigm. Religion, eloquently put by Berger, is societies' initial tool in creating its "sacred canopy", its primary means of world-building and its maintenance, which is crucial for any coherent human collective. When a combination of factors led to the advancement of secularization,

[it] resulted in a widespread collapse of the plausibility of traditional religious definitions of reality. This manifestation of secularization on the level of consciousness ("subjective secularization," if one wishes) has its correlate on the social-structural level (as "objective secularization"). Subjectively, the man in the street tends to be uncertain about religious matters. Objectively, the man in the street is confronted with a wide variety of religious and other reality-defining agencies that compete for his allegiance or at least attention, and none of which is in a position to coerce him into allegiance (Berger, 2011, p. 147)

Important contributions to secularization theory were made by a wave of functionalist thinkers since the latter half of XX century. While the initial groundwork was laid down by Emile Durkheim, it was later expanded by Thomas Luckmann (1967), Karel Dobbelaere (1985, 2004), and Steve Bruce (2000, 2003, 2011), among others. Building upon the structural-functional theories, they focused on the more pragmatic roles that religious institutions play in society. While pre-industrial societies saw religious institutions and organizations performing a plethora of different roles –socialization, healthcare, education, welfare, policy making – an industrialized, modern society necessitated that these tasks are carried out by dedicated specialists and institutions, focused on their specific tasks and operating according to their own internal logic and principles, not religious instructions. As this specialization increased, religious institutions were left with less and less functional purpose in society, gradually diminishing to roles exclusively associated with spiritual enterprises: ceremonies, spiritual guidance, etc.

In a similar fashion, the individual himself, being subjected to an increasingly differentiated society and the public sphere, where his existence gradually became series of constantly changing social roles, came to replicate the process within himself. The result of this was the segmentation of the individual consciousness, with religion transforming from a unifying metasystem that connects the different segments to merely one of the segments. The differentiation of institutions in a modern society not only emancipates them from religious

norms and control, but is mirrored on the individual level, relegating religion from a dominant to an ordinary role. (Luckmann, 1967, Casanova, 1994).

Being religious in a modern, industrialized world becomes a highly individualized, subjective and specialized role, including the practice of religion. Not only are religious organizations relegated to fulfilling a greatly reduced role, the demand for their specialized services also diminished, as individuals became free to decide that belief without regular practice or official membership of a particular religious organization is fully compatible with their views on religious matters - a situation labeled by Grace Davie (1990) as “implicit religion” and “believing without belonging.”

One of the outcomes of such processes is the privatization of religion. “To say that in the modern world “religion becomes private” refers also to the very process of institutional differentiation which is constitutive of modernity, namely, to the modern historical process whereby the secular spheres emancipated themselves from ecclesiastical control as well as from religious norms.” (Casanova, 1994, p. 40) For religious institutions, this presents several changes to their previously held positions. Their stances on matters of health, law, politics and other spheres are expected to be kept to themselves, within the circle of its own adherents, or, at worst, presented as merely another opinion of one of the many public actors. Individuals and professionals are expected to make their choices free from pressure from religious organizations, and allow their individual religious ideology to influence them only to the degree that does not result in discrimination and injustice towards others.

More recently, sociologists such as Norris and Inglehart (2011), have proposed a theory of secularization based on existential security. Drawing upon a large pool of economic and related data, Norris and Inglehart display how the variation of presence and importance of religion correlates well with levels of economic and societal development associated with the most pressing existential needs. Based on their research, Norris and Inglehart conclude that ‘[...] all thing being equal, the experiences of growing up in less secure societies will heighten the importance of religious values, while conversely experience of more secure conditions will lessen it.’ However, they also reject the monocausality of such factors, and include in their analysis the aspect of cultural traditions, which have an enduring impact on societies even when they may have abandoned the outward practices of religion. ‘[...] [t]he distinctive worldviews that were originally linked with religious traditions have shaped the cultures of each nation in

an enduring fashion; today, these distinctive values are transmitted to the citizens even if they never set foot in a church, temple, or mosque.’ (Norris and Inglehart, 2011, pp. 17-18).

Secularism as a political principle

Andrew Copson (2017) and Jonnathan Fox (2018b), in their studies of politics and religion noted that while secularization is usually defined by the absence of religion, secularizm in politics is a principle in its own right: not simply an opinion *about* religion, but a stance *towards* it. As such, it is defined by a proactive separation of religious and political spheres, for reasons which Copson summarized as individual freedom, fairness, peace, and modernity and democracy.

The arguments are based on several assumptions. Religion and religious beliefs are closely intertwined with, and derived from the more general right of the freedom of conscience, which is at the core of individual human dignity and freedom. It is considered to be absolute in the realm of thought, and is only to be subjected to limitations when the expression of the beliefs in question becomes public. All religions are (or include) a set of particular beliefs and worldviews which can have highly normative moral and ethical implications for a person’s behaviour, therefore the citizens must be able to either accept or reject them in a way that is free from coercion or undue favoritism. If the state puts its power behind one particular religious worldview, or allows religious ideology to be channeled through the power of the state (e.g. in the form of legislation), a whole set of crucial human freedoms and rights are put in jeopardy. Individuals and social groups which might not share a particular religious worldview, or adhere to a different one (or might be irreligious or opposed to religion altogether) are forced to comply. As such, secularism “is the best way to organize a society made up of potentially conflicting groups defined by religion or belief.” (Copson, 2017, p. 61)

To ensure this, secularism proposes that political institutions operate in a way that is free from religious norms and interference, since they are not performing religious functions, nor are they performing them on behalf of or for the benefit of a particular religion. Personal religious preferences of the statesmen or of their constituents must not be imposed by the state through its power. They are to remain private for the benefit of all, including the religious themselves. Religious organizations, in turn, must abstain from performing political functions.

Collectively, proponents argue, these reasons make secularism an indispensable principle for any state that intends to implement the modern ideals of human rights, democracy, equality and freedom.

While many states tend to recognize the importance of these principles, their actual implementation and protection varies across the globe. Fox (2018b, pp. 171-172) uses four essential questions to determine the type of secular arrangement that a state adheres to: may the state regulate or restrict the majority religion or do so to all religions in the country equally? May the state regulate or restrict minority religions in a manner it does not regulate the majority religion? May the state support religion? Is religion allowed to influence public political discourse? Depending on the answers to these questions, Fox put states into one of several secularist categories, ranging from absolute separatism based on strictly negative answers to all four questions to non-democratic political secularism, based on positive ones.

Buckley (2015) in his article on the success stories of religious pluralism in Ireland and Senegal argues that the option to aim for is benevolent secularism: “an institutional configuration with three dimensions: (1) differentiation of religious and state institutions, (2) cooperation between religion and state, and (3) [...] a “principled distance” between the state and all religious communities.” (Buckley, 2015, p. 443). In such a system, maintaining a respectful distance between the two spheres is in both the state’s and religious organizations’ interests: the first one ensures that its decisions are free from sectarian interests, while the second one is allowed to practice its faith without unjustifiable state interference and control.

Having passed through several stages of dominance in the field of sociology, refinement, rejection, and rebirth, secularization is still a contested and highly debated theory, with calls from sociologists for its continued application as well as abandonment. The persistence of religious belief throughout the majority of the world’s populations, as well as the retained influence of religious institutions in some parts of the West – the foundational “motherland” of secularization - have brought the theory under heavy criticism.

1.2 GOD IS NOT DEAD: CRITICISMS TO SECULARIZATION

The apparent failures of secularization theory have led some of its early proponents, such as Berger and Martin, to reconsider their earlier convictions. Its most ardent critics showed even less interest in compromise or review, declaring that “after nearly three centuries of utterly failed prophecies and misrepresentations of both present and past, it seems time to carry secularization doctrine to the graveyard of failed theories, and there to whisper “*requiescat in pace.*” (Finke and Stark, 2000, p. 79)

In its stead, sociologists and economists such as Iannaccone, Finke and Stark have allied and proposed an alternative theory to explain the dynamics of religion in the modern world. The theory of religious economy (TRE) does that through the application of rational choice theory and economic models of supply and demand. The focus of TRE is not on the so-called demand side of religion, which has to do with the shifting needs and attitudes of believers themselves, but with the supply side of the issue: behaviour and activities of religious institutions. (Stark and Iannaccone, 1994, p. 4) “Religious economies are like commercial economies in that they consist of a market made up of a set of current and potential customers and a set of firms seeking to serve that market. The fate of these firms will depend upon (1) aspects of their organizational structure, (2) their sales representatives, (3) their products, and (4) their marketing techniques.” (Finke and Stark, 2005, p. 9) If such firms are unable to convince potential customers of their ability to fulfil their needs and demands, the religious participation, as well as the outward appearances of social religiosity suffers - although not necessarily the demand and private religiosity. According to TRE, in places where secularization does appear to be advancing – either due to decreasing number of practitioners or other metrics used by proponents of secularization theory – it is temporary, caused by the failures of religious institutions, and reversible if those same institutions are allowed to work, act, and compete with each other with as little interference from the state as possible.

TRE puts a lot of emphasis on the nature of relationship between the state and religious institutions. By transplanting the generally economic ideas of market regulation, ‘supply-siders’ claim that the *apparent* secularization of many European societies is caused by the persistence of close relationship between state and religion, over-regulation of religious institutions, and the persistence of privileges granted to some of them (as national churches or similarly advantageous types of relationship).

This kind of protectionism has several effects. First, even if they do not perform well in ‘selling their product’, privileged religious firms’ continued existence is still guaranteed by their relationship with the state. Secondly, any potential competitors can be deterred from entering the market in favour of the dominant players by the state through the application of state regulation, and not the dominant performance by the largest firm. This allows the major religious monopolies or oligopolies to insulate themselves from competition, and survive without innovation. Possible consumers, provided with either an old and unappealing product, or no product at all, tend to pick the latter, and enjoy religion in the privacy of their homes. Therefore, pluralism is not only a de-facto state of certain societies, but a prescription: “there is a consensus that religion is usually better off, in terms of social vitality, in societies where it is not a state regulated monopoly.” (Tiryakian, 1993, p. 45).

Despite the harshness of the criticism and the determination to dig the figurative grave of secularization theory, it has retained important supporters, who, in their turn, were quick to point out the shortcomings of the would-be replacement of secularization. In response to the claim of secularization’s Eurocentrism, proponents of TRE were accused of being just as guilty of Americentrism, which, among the most affluent states does exhibit a rather unusual variety and activity of different religions and denominations. Sociologists such as Steve Bruce (2000, 2011), Mark Chaves and Philip S. Gorski (2001) noted that the core proposition of TRE – causal correlation between religious pluralism and religious participation – is only supported by a limited number of cases, and its explanations for deviant cases (states where liberalisation of state control did not translate into religious participation, or vice versa – states that exhibited high levels of religiosity *and* a high degree of state control) can be better explained by other factors.

Deprivatization

The expanding definitions and empirical data used to either support or challenge secularization has led sociologists to clarify and detail the process. Instead of being pulled between the two extremes of objective truth and outright wishful thinking, some sociologists have proposed that in order to have a meaningful discussion about the applicability of secularization, it has to be separated into precise categories. This would allow the debate to

avoid absolutes and the pitfall of invalidating the whole due to the failure of one of its parts. Jose Casanova (1994, 2006) has proposed to separate the term into three distinct meanings:

1. Secularization as the decline of religious beliefs and practices;
2. Secularization as the privatization of religion;
3. Secularization as the differentiation of the secular spheres (state, economy, science).

One of the greatest difficulties that proponents of secularization face, according to Casanova, is the fact that modernity has not resulted in the expected strengthening of the wall of separation between state and religion, with the two constantly developing new and redefined relationships. Religious institutions are demonstrably refusing to accept the privacy to which secularization theory would relegate them, and fight for their place under the sun by “forming all kinds of symbiotic relations [with politics], to such an extent that it is not easy to ascertain whether one is witnessing political movements which don religious garb or religious movements which assume political forms.” (Casanova, 1994, p. 41).

Using the examples of present-day processes, such as the Islamic revolution of Iran or the public re-emergence of Protestant fundamentalism in the US, Casanova suggests that despite the advances of modernization, religions refuse to be relegated to the private sphere, and will resist challenges to their statuses as public actors. (Casanova, 1994, p. 3) The most recent developments, such as the rise of the Islamic state and the re-emergence of the Taliban only add weight to the argument that “it is unlikely that either modern authoritarian regimes or modern liberal democratic systems will prove ultimately successful in banishing religion to the private sphere.” (Casanova, 2006, p. 19)

Casanova challenges not only certain descriptive aspects of secularization, but also their normativity. The idea “that the secular separation of religion from political society or even from the state are universalizable maxims, in the sense that they are either necessary or sufficient conditions for democratic politics” is rejected. Religion, according to Casanova, should not be expected (or forced) to remain private, since it can be conducive to positive public outcomes (especially in places where the state fails to fulfil its functions) and because the imposition of limits on the free exercise of religion can lead to excessive limits being placed on religious citizens. (Casanova, 2006, p. 21)

Fox (2018b) and Copson (2017) agree, noting that while a case for secularism as essential for modern liberal democracy can, and usually is, made by its proponents, that might not necessarily be the case. The active distancing of state and religion can have ideological motivations that are self-serving and based on an aversion to religion, rather than respect for equality and human rights. Socialist or communist regimes, for example, seek to distance religion from the state not out of concern for democratic values, but in order to limit, and in some cases, eliminate the power and authority of religious organizations altogether. (Copson, 2017, p. 78)

It is beyond the scope or intention of this thesis to deliberate upon the normativity of secularization or its parts, and its rightful place in a modern society. However, Casanova's challenge to secularization's aspect of privatization serves as one of the theoretical foundations of the paper. While Casanova looked at certain macro-events to illustrate the grip religion still has upon public institutions and societies in general, this thesis will attempt to add to this list a smaller-scale study, based on the legislative body in Lithuania.

CONCLUSIONS

The shifting position of religion in society has led scientists to formulate and develop the theory of secularization, which defines the changes, identifies their causal factors, and postulate religion's future. Changing epistemological norms, advances of modernization and industrialization, resulting in ever increasing specialization of institutions, has relegated religion from a hegemonic ideological position in many areas of life to the private sphere – a position it is intent on challenging. In the sphere of politics, the idea of a modern state came on entail an implicit degree of enforced privatization of religion, although the precise distance between state and religion can vary. One of the essential proposed advantages of secularization, especially its aspect of institutions emancipated from religious norms and practices, is that it is conducive to minority rights. While theoretically appealing, the actual situation of relationship between state and religion throughout the modern world is highly nuanced and problematic.

2. RELATIONSHIP BETWEEN STATE AND RELIGION IN PRACTICE

2.1 STATE REGULATION OF RELIGION

All states have policies regarding religion, expressed and implemented through Constitutions, laws, regulations, agreements, court decisions and other political actions and documents (Fox, 2018, p. 127). The collective outcome of these policies shapes the relationship between state and religion, putting them in one of the several different modes of interconnectedness or separation. The spectrum of possible examples of variation in this field is rather wide, from theocracies (monopolies) such as the Vatican or Saudi Arabia, to states with official religions, such as United Kingdom and Norway (prohibition), all the way to secular states (pluralism), which encompass a wide array of variation: from passively secular United States, to more assertively non-religious France. Generally, the variations of the relationship found in the European Union fall into the broad categories of state religion, separation of church and state, and cooperation. However, these are ideal categories that do not always accurately reflect reality, which usually sees states mixing and matching parts of different systems and falling somewhere inbetween the three perfect points of the normative triangle. (Robbers, 2005)

While the absolute majority of national Constitutions worldwide make the promise of religious freedom, a smaller, but a majority nevertheless also include legal limitations and restrictions on religion (Finke and Fox, 2017, p. 393). The majority of the states (68.8%) also either have officially declared state religion, or engage in preferential treatment of specific groups of religious organizations which is not available to others. (Fox, 2018, p. 135)

The Religion and State's Minorities dataset module, used by Fox and other scholars to measure the types and extent of religious discrimination worldwide, uses as many as 29 different variables, ranging from strict legal measures, such as restrictions on the observance religious laws concerning personal status, including marriage, divorce and burial, to the presence of anti-religious propaganda in official or semi-official government publications (Fox, 2018a, pp. 29-30). Data used by Fox indicates that the majority of the world's governments (75.7%) engage in religious discrimination against at least one of its religious minorities, with discrimination being defined as "limitations placed by a government on the

practice of religion or the religious institutions of minority religions within the state but not on that state's majority religion." (Fox, 2018a, p. 2)

The justification for discriminatory behaviour can be as varied as the measures themselves. Richardson (2001) in his analysis of pluralism in Europe notes that, while the majority religions were fervently in favour of religious freedom and conscience during the rule of the Communists, the meaning of the concept changed once independence was restored. Previously well-established religious institutions sought their respective states to adopt legal differentiation of religious organisations which, while maintaining a façade of secularism, pluralism, equality and protection, would enable a degree of discrimination: "Formerly dominant and/or official churches, whose leaders liked the concept of religious freedom in the late 1980s and early 90s when they were still suffering under communist dominance, are no longer sure that religious freedom is such a good idea. They now want to limit competition from the newer faiths, and seem to assume that this can be done by legal edict." (Richardson, 2001, p. 146)

This discrimination, according to Richardson, manifests itself in different levels of the political and legal systems. In courts, even problematic forms of evidence which would not otherwise suffice are usually accepted against minority religions, or "new faiths", simply because of their status as the "other", which almost by definition must be more prone to challenge the norms, including legal ones. As Zrinščak notes: "[...] traditional churches and conservative parties found it unjustified to grant the same privileges to traditional churches (which had suffered during the years of communism) and newly arrived religions, some of which (it has been argued by those who opposed equal treatment of different religions) possessed "suspicious" features." (Zrinščak, 2011, p. 161)

The findings of data analysis carried out by Finke and Fox correlate with the abovementioned propositions. Analysis of many different discrimination variables showed that minority religious "groups in current or former communist countries face significantly higher levels of discrimination", and that "[a] country's status as a current or former communist state strongly predicts discrimination against minority religions' institutions and clergy, but not discrimination against all members of those faiths." (Finke and Fox, 2017, p. 402, 410)

The importance of the relationship between religion and the perception of minority religions who did not participate in it is succinctly summed up by Gunn: "[...] the differences among these countries cannot be explained simply by their histories and different legal systems

and cultures, but also by understanding the “founding myths” and the “perceived identities” that are widely (and naively) shared by the populations [...] Those who are responsible for regulating religion [...] will often see “neutrality”, “equality” and “non-discrimination” not through some relatively “objective” lens, but through the rose-colored glasses of the founding myths and perceived identities.” (Gunn, 2006, p. 37) Casanova concurs, declaring that “the internal variations within Europe, moreover, can be explained better in terms of historical patterns of church-state and church-nation relations, as well as in terms of different paths of secularization among the different branches of Christianity, than in terms of levels of modernization.” (Casanova, 2006, p. 15)

Steve Bruce (2000), explaining the differences between the religiosity of Nordic and Baltic states, makes a similar observation. Commenting on the statistics showing a clearly more rigorous religiosity of the Finns as compared to their immediate western Nordic neighbours, Bruce builds upon Finland’s historic relationship with Russia, which sometimes resulted in the former’s subjugation, and necessitated the development of a clearly distinguished markers of identity, of which religion became one: “for the vast majority of Finns, Lutheranism is what distinguishes them from the Slavs next door.” (Bruce, 2000, p. 40)

Ringo Ringvee (2013), studying the three Baltic states, notes the clear differences between the religiosity of the three states, especially Lithuania and Estonia (belief in God - 49 % vs 16 %, religious affiliation with the dominant religion – 90 % vs 13.6 %) as well as the different legal approaches of the state towards religious organizations. In historically Protestant Estonia, religion remains a private and personal matter, with little impact on politics and minimal state interest in providing religious organizations with particular statuses. In Lithuania, on the other hand, the deep connections between the Catholic church and national identity is a likely factor in the government’s wary attitude towards new religious movements. (Ringvee, 2013, p. 181)

While secularism is based on a relatively straightforward propositions, its application in the world has produced a wide variety of systems with different degrees of separation and cooperation between state and religion. One of the critical factors in determining the type of relationship a state is likely to have with religion is the historical conditions under which it develops: if religious organizations play a prominent role in the development of the nation-state, civil society and (or) resistance to outside threats, it is likely to develop a bond with the state that is highly resistant to the processes of secularization.

2.2 STATE REGULATION OF RELIGION IN LITHUANIA

Historically, Lithuania has encompassed a great number of different religious traditions. Its relatively late Christianisation, position at the intersection of Eastern and Western branches of Christianity as well as a relative safehaven for the Jewish populations fleeing persecution elsewhere in Europe, and lenient religious policies of some of its rulers made the Grand Duchy of Lithuania a rather unusual melting pot of religious organizations in pre-modern history.

Such conditions eventually translated into laws regulating the relationship between the state and its many different religious institutions and denominations, which has been researched in great detail by Regina Laukaitytė (2010). The first, interwar Republic of Lithuania found itself positioned inbetween the historic legacy of the Russian empire, from which it gained independence in 1918, and the principles of new international political order, advanced by the victorious powers and the League of Nations. It is likely that due to the pressures from the latter, Lithuania ratified “the Declaration of the Rights of ethnic minorities in Lithuania“, which included provisions of religious liberties and its free exercises, provided that they are in accordance with public order and morality (Laukaitytė, 2010, p. 249).

While the declaration was ratified as a pre-condition for membership of the League of Nations, the actual laws regulating the issue changed little from the ones inherited from the Czarist empire. The state retained a lot of regulatory power *vis-a-vis* religious organizations, especially minority ones. This included the right to screen candidates for important positions in religious organs as well as to veto such appointments. Importantly, clerics of of state-recognized churches were simultaneously employed by the Ministry of Internal affairs (later – Ministry of education), which allowed the state to exert even more influence on the workings of domestic religious organizations.

The system of state-recognized religious organizations (or churches) was another important legacy of the Russian imperial legal system. The Constitutions of 1922, 1928, and 1938, included provisions for religious liberty, but only to „all extant faith organizations in Lithuania“ (1922, 1928 variants) and later – „to state-recognized churches“ (1938 Constitution). These religious organizations included only those which in the Russian empire had separate laws defining their legal status: Roman Catholic, Luteran, Reformed, Orthodox churches, as well as Judaic, Muslim and Karaite religious organizations. Later, the Old

Believers (or Old Ritualists) were added to this list, when the state passed „interim rules“ defining the church’s structure (Laukaitytė, 2010, p. 250). The list has survived intact, was incorporated into the LRCA, and to this day serves as the list of traditional religious organizations in Lithuania, defined in article 5.

The post-war occupation and incorporation into the Soviet Union brought the relationship between the state and religious institutions to a close, as the socialist state pursued an active atheisation policy. Article 50 of the Constitution of the Lithuanian Socialist Republic made provisions for religious liberty and freedom of conscience, but declared atheistic propaganda to be subject to these same protections. It also declared the church to be separate from the state, as well as school – from the church. While rather progressive legalistically, the actual policy in the LSSR was that of suppression of religion and active involvement of the state in religious matters.

In his study of Catholic Church in Lithuania during the Soviet occupation, Arūnas Streikus (2009) examined how the period was important in facilitating conditions under which Catholicism fused with national identity. While certain religious authorities collaborated with the Soviet regime, seeing it as the lesser evil, the participation of the Catholic church in Lithuanian resistance movement, the Church’s persecution by the Soviet security apparatus, and its provision of an alternative, anti-Communist ideology all served to strengthen the idea of Catholicism as an integral part of being Lithuanian. The aggressive proselytism of the Soviet state-sponsored “scientific atheism”, and the use of the narrative of pre-Christian Lithuania as the Golden age brought to an end by Christianity also helped to equate non-belief with Communist ideology, and Catholic faith as an integral part of national resistance (Streikus, 2009, p. 124). Steve Bruce traces this influence on modern Lithuanian even further, noting “the role of religion in political dissent. In the nineteenth century, the Catholic church in Lithuania was vital in sustaining a sense of national identity, especially in preserving the language, which the czarist regime tried to suppress in favour of the Cyrillic script.” (Bruce, 2000, p. 41)

As part of the emancipation from the Soviet Union, already in 1988, “Sajūdis”, which was instrumental in securing Lithuania’s independence, had a chapter in its program dedicated to the status of religion and society, which clearly outlined the movement’s commitment to the establishment of religious non-discrimination, freedom of conscience and the independence of religious institutions in Lithuania. The principle was codified in the Supreme Interim Law which, from the declaration of independence on March 11, 1990, until the coming in force of

the Constitution on November 11, 1992, fulfilled its function and was the highest legal document in the state.

Present-day situation

The current legal status of religious institutions, as well as the regulatory regime in Lithuania is an outcome of historical conditions, an ever-ongoing evolution and updates of various legal documents and numerous legal procedures. The most important are the Constitution, The Law on Religious Communities and Associations (LRCA), and the rulings of the Constitutional Court of the Republic of Lithuania (CCtRL), which does not only evaluate the constitutionality of particular laws, but also develops constitutional doctrine by explaining and extrapolating the Constitution itself. The field of the legal status of religion in Lithuania has been studied by such authors as Donatas Glodenis (2005, 2017), Milda Ališauskienė, Jolanta Kuznecovienė and Ingo Schroder (2012) and Tomas Blinstrubis (2012).

The principles and foundations of all matters related to the status of religion in the restored Republic of Lithuania are defined by the Constitution. The document establishes freedom of thought, conscience and religion¹, commits the state to non-discrimination on grounds of belief², establishes the separation of state and religion, prohibits state institutions from performing religious functions and vice versa, and lays the foundations for recognition regime of traditional and non-traditional religious associations³. As such, the Constitution established both the secular character of the state and state's institutions, while at the same time providing the basic guidelines regarding the relationship that the state could have with religious associations.

The provisions of Article 43 of the Constitution established a system of state recognition of religious organizations, specifying two essential criteria: traditionality, and societal support and compatibility with the law and public morals. The lack of specifics was later resolved with the passing of the LRCA on October 4, 1995 - arguably the second most

¹ Article 26 of the Republic of Lithuania

² Article 29 of the Republic of Lithuania

³ Article 43 of the Republic of Lithuania

important legal document regulating religious matters in Lithuania after the Constitution (Ališauskienė et al, 2012, p. 77). Despite its importance in clarifying issues left unanswered by the provisions of the Constitution, the Law took a surprisingly long six years to pass, and reflected a process of ideological as well as legal discussions.

The provisions of the initial 1990 draft, while generally reflecting the prevalent impulse of Westernization, eventually came to be seen as too loose, laying the grounds for the proliferation of historically non-traditional, possibly dangerous religious and spiritual movements of questionable reputation. Attempts to remedy the situation took the shape of several additional drafts, which led to a more weighted compromise in 1995, which eventually became the LRCA.

One of the most important aspects of the LRCA were its articles 5 and 6: the former one establishing the exclusive list of traditional religious organizations in Lithuania, and the latter laid out the requirements for applying for a lower level recognition. The 9 traditional organizations listed in article 5 were lifted directly from the interwar period: Roman Catholic, Greek Catholic, Evangelical Lutheran, Evangelical Reformed, Russian Orthodox, Old Believer, Judaist, Sunni Muslim and Karaite.

The list of traditional organizations, which was based on the interwar period regulation and enshrined in the 1992 draft, has not been amended (indeed, the Law makes no provisions for how that could be done), and is comprised of 9 religious organizations: The lack of clarity regarding the „other“, non-traditional religious organizations was resolved in subsequent drafts, by laying out the criteria for being able to apply for and be granted state recognition. The final version, which was approved by Seimas in 1995 and became the LRCA, is worth quoting in full, and reads as follows:

Article 6. Recognition of Other Religious Associations

Other (non-traditional) religious associations may be granted state recognition as being a part of Lithuania's historical, spiritual and social heritage if they are backed by society and instruction and rites thereof are not contrary to laws and morality. State recognition shall denote the State's backing of the spiritual, cultural and social heritage of religious associations.

State recognition shall be granted by the Seimas of the Republic of Lithuania. Religious associations may request state recognition after the lapse of at least 25 years from the date of their initial

registration in Lithuania. If the request is denied, it may be resubmitted after the lapse of 10 years from the day the request was denied.

The provisions allowing Seimas to decide whether a religious organization „is a part of Lithuania’s historical, spiritual and social heritage“ meant that „the Lithuanian legislature has declared itself to be partly competent in judging the social value of religious organizations.“ (Glodenis, 2005)

Such a model can be summarized as a Positive/Neutral relationship, whereby the state is acknowledged as being „partly competent“ in matters of religion and able to decide which religious associations have a constructive influence on society (Vaišvilaitė in Glodenis, 2005). The acknowledgement can then be formalized in the shape of state recognition, which confirms the religious association’s value and importance to society while granting it certain benefits (positive relationship). With religious associations which have not (yet) been granted recognition, the state is considered to be in a neutral relationship, neither recognizing its importance, nor rejecting it. (Glodenis, 2005)

Just as importantly, the „LRCA, by using definitions for legal differentiation that are historical and cultural rather than purely legal, has introduced a powerful framework that defines the way the public administration institutions and the media view the religious organizations in general. This structure has in part replaced the more usual framework of differentiation of religious organizations used by the anti-cult movement, namely, into religions/sects (cults).“ (Glodenis, 2005)

This is supported by the survey of members of non-traditional religious minorities, carried out in 2012: 67 percent of respondents admitted to having been called cultists, while 87 percent said that their religious organization had been called a sect. Regarding the factors which were identified by the respondents as contributing the most to religious discrimination, 52 percent blamed the Roman Catholic Church, 43 percent – the media, and 32 percent – laws and legal documents which placed limitations on minority religions (Ališauskienė and Glodenis, 2013, p. 57).

Several rulings and decrees of the Constitutional Court of the Republic of Lithuania (CCtRL) have been crucially important in elaborating, refining and explaining the legal provisions of the first two documents. The four most influential rulings were passed in 2000, 2007, 2017 and 2021. One of the central themes of the Constitutional doctrine established by

these rulings was the basis for differentiation between “traditional” and other religious organizations. The CCtRL ruled that the traditionality of certain religious organizations, reflected in the legal differentiation, “is neither created, nor revoked by the act of will of the legislator.” The creation of the category of traditional religious organizations is to be considered not merely as an expression of arbitrary preferences of the legislator, but rather as an act of recognition of facts of socio-cultural evolution, and is non-revocable. Therefore, “without limiting the rights of the Constitution guaranteed to all churches and religious organizations, traditional churches and organizations can be legally granted such rights which the non-traditional churches and religious organizations do not possess.” (CCtRL, 2000)

In its 2007 ruling, the Court reiterated that the rights enjoyed only by the traditional religious organizations originate directly from the Constitution, and that the granting of state recognition to a non-traditional religious association in itself cannot be used as the basis for granting it the same rights as those enjoyed by the traditional religious associations. Interestingly enough, the Court also stated that “the Constitution does not permit to grant to non-traditional, state-recognized religious organizations rights which are not granted to those religious organizations and associations which are not recognized by the state.” (CCtRL, 2007)

The 2007 decision also elaborated on the constitutional requirements of societal support: “to have support in society” means that the support of a particular church or religious organization in society must be solid and permanent, therefore it cannot be limited to a small group of people or society, several decades of activity, one or few generations. The societal support for such a church or religious organization must be such that there would be no doubt regarding it.”

The more recent Court’s jurisprudence has complicated the situation. In its July 4, 2017, ruling (CCtRL, 2017), the Court, citing the jurisprudence of the ECtHR, ruled that “the state must respect the beliefs of the members of religious minorities, cannot treat them as less important and grant them less rights, and has the duty to make sure that the criteria of granting of a status of religious groups that confers special privileges must be applied impartially and without discrimination.” On top of that, the requirements of operation exceeding several generations, described in the 2007 decision, seemed to contradict the LRCA’s requirement of 25 years of operation. This prompted several Members of Seimas to appeal to the CCtRL to evaluate the constitutionality of its article 6. In its 2021 September 7th decision, the CCtRL

declared the 25-year term to be constitutional, but the 10-year waiting period before a organization can re-appeal for state recognition was struck down.

Tomas Blinstrubis (2012), analysing the issues of constitutional relationship between state and religion in Lithuania, specified several important features. First, the generally secular nature, established by the absence of state religion in Lithuania, is modified by the establishment of state-recognized religions, to become secularity with cooperative elements, or “coordinative cooperation of the state and the church.” The relationship established by the Constitution and Constitutional doctrine is not “separation”, but “separateness”, meaning “that the state authority and church authority are separate (not identical) and that there is a difference between the state and the church as legal subjects, but this term is much “softer” than the principle of separating.” (Blinstrubis, 2012, pp. 207) While the Constitution mandates the state to recognize certain religious organizations based on their traditionality, and extends this right to non-traditional organizations, this does not translate into the right to require to be recognized by the Parliament after the fulfilment of legal requirements. (Blinstrubis, 2012)

The high demands for appealing for state recognition has translated into a very low number of applicants. So far, out of almost 200 non-recognized religious organizations, only five have been accepted as candidates (The Baptist Union of Lithuania, Union of Pentecostal Churches of Lithuania, New Apostolic Church of Lithuania, Seventh Day Adventists, “Romuva”), the first two organizations being granted state recognition, the following two being granted state recognition after initial refusal, and the latest applicant (“Romuva”) being completely rejected.

The decades-long legal and cultural processes have eventually solidified into a legal system in Lithuania which (1) establishes the secular, but cooperative nature of the relationship between state and state institutions; (2) establishes a three-layered system of religious organizations (“traditional”, “other”, non-recognized); (3) establishes the Parliament as the ultimate authority in managing the system; (4) grants different privileges and rights to religious organizations according to their status. The privileges include the ability to provide religious instructions in schools, state-provided social insurance for clerics, national media air-time, state subsidies and others. While the legal framework does provide the opportunity for minority religious organizations to extend their basic rights by appealing for state recognition, the difficulties of completing the process are evident.

CONCLUSIONS

Religious organizations remain the subject of state regulation in the absolute majority of the modern world. For most of them, this regulation results in discrimination. While the theories and principles of secularism have foreseen the decreasing influence of religion, as well as provided possible recipes for remedying such situation, their effects and implementation across the world varies. Part of the reason for this variety is the fact that secularization, as almost all societal processes, does not take place in a vacuum, but is affected by a combination of different factors, and can be unique for each state. In states where particular religious organizations were actively involved in the development of the nation-state, the civil society and (or) resistance to foreign pressures, the type of secularism (or lack thereof) that develops tends to reflect this in a reduced distance between state and religion, or cooperation between the two. This, in turn, can have profound influence on the way that the state treats other religious organizations, and result religious minorities being forced to accept limitations on their relationship with the state. Lithuania's cooperative type of secularism is a perfect example of this, its system of differentiation being very explicitly based on the historical presence of certain religious organizations, and them being granted exclusive privileges which cannot be extended to other religious organizations.

3. METHODOLOGY

There are several ways to measure secularization and its separate sub-theories. Some of the most common are social statistics: church attendance, frequency of prayer, self-identified importance of religion in one's life, value surveys. While important, these factors can paint a limited, even if detailed, picture of secularization, especially if one trying to analyse the levels of emancipation of institutions from religious norms and control. One approach could be to study the laws and regulations governing such institutions. However, as Laukaitytė has noticed in her study of religious institutions in interwar Lithuania, the study of laws in isolation does not reflect the reality of the situation (Laukaitytė, 2010, p. 245). Fox (2018) also concludes that “[u]nderstanding a state's motivation for its religious policy requires a contextual analysis of its overall policy and statements made by leaders and government representatives [...]” It is important, therefore, not only to analyse what laws exist or how they are written, but how they are interpreted, applied, how that application is justified, especially in cases where the law leaves room for independent, non-judiciary decision-making – which, as shown above, is precisely the case in the system of state recognition of religious organizations in Lithuania.

One of the essential tools for such a task is qualitative content analysis method. Qualitative content research works under the assumption that the authors of the content that is being analysed and interpreted is produced by individuals who themselves interpret reality and are in a constant process of meaning-making. This puts emphasis on interpretation, context, appreciation of subjectivity and the ability to look for meaning beyond the obvious. In order to make sense of data, it is not necessary that data should be quantifiable or expressible in numbers in order to be valuable. It is sufficient that data can be categorized and systematized in a meaningful, intelligible way. (Morkevičius, 2005)

Discourse analysis – a subset of content analysis – applies content analysis methods to a variety of discourse practices – dialogues, speeches, debates other verbal human interactions – and relies on the notion that discourse is not “just words”, but is an important form of social practice with a wide range of goals and functions, including mediation of ideology, circulation of power in social institutions, maintenance and reproduction social relationships, identities, and existing systems of knowledge and belief, and even construction of reality itself. (Fairclough, 2001, Svetanant, 2009, Kirkwood, 2017)

Political discourse analysis (PDA) is based on the same assumptions: that political discourse *is* political action, and “a prominent way of “doing politics.” Indeed, most political actions (such as passing laws, decision making, meeting, campaigning, etc.) are largely discursive.” (Van Dijk, 1997, p. 18)

Performing PDA is not a simple act of classifying politicians’ subjective opinions on a given topic, it is studying the way they exercise political power in their respective domain. This is underlined by the fact that when determining the compatibility of Seimas’s decision with the European convention on human rights, the ECtHR used political discourse as part of the evidence in its ruling, showing the substantive weight it carries even at the highest levels of international judicial processes. Neither it is an analysis of opinions relevant to one narrow, particular issue. “In sum, topically, political discourse is at least partly topically about politics itself. [...] Thus a debate about immigration policies is not only about government policies, but also about immigration and minorities [...]” (Van Dijk, pp. 25-26) Accepting this assumption, the debates about whether to grant one particular minority religious association state recognition is at least in part a debate about the relationship between state and religion and religious minorities in general.

On top of that, almost all political discourse has a cost associated with it. In their article on Russian soft power, Keating and Kaczmarek (2017) argue that:

While public opinion polls and other mass articulation [...] are no doubt part of the picture, we propose that the effects of soft power are also reflected in the articulated beliefs of political actors [...] because the discourse of political elites is not costless, that is, the discursive choices politicians make can help or hurt them. In supporting positions that might attract domestic or international derision, [...] political elites signal either their personal belief in the ideology, or at least a belief that it will have some domestic political resonance. (Keating and Kaczmarek, 2017, pp. 9-10).

In other words, the cost involved in discourse choices of politicians makes it reasonable to expect that the arguments they made publicly were either statements made in good faith and actually represent the speaker’s adherence to a particular point of view, or at least that it represents his or her belief that the discourse he or she chooses to justify his or her position and vote are shared by a substantial portion of society. Additionally, certain participants of political discourse who were taken by “Romuva” to domestic courts for possible slander and defamation

did not attempt to justify their arguments by resorting to the subjective nature of political process and discourse associated with it. Even when faced with real legal sanctions, they attempted to prove their arguments instead of distancing themselves from them, which, again, goes to show that when engaging in discursal fencing, politicians can mean what they say. Such premises allow to make a reasonable connection between the data available from public discourse and the actual reasons for the refusal to grant state recognition to “Romuva”, either by them reflecting the sincerely held personal opinions of the decision makers, or of particular segments of population which the politicians see themselves as being accountable to.

Data selection: in order to produce relevant results, the selected data is limited to parliamentary discourse. One anticipated objection is that the arguments of politicians regarding the topic of the thesis can be sourced from a wider dataset: articles in newspapers, TV or personal interviews, etc. The boundaries of data selection are dictated by several necessities. First, the connection between discourse and position of power. While public opinions regarding “Romuva” have been numerous, the discourse of politicians who actually made the decision to withhold recognition from the religious organization is not simple commentary or expression of opinion, but an integral part of the process, an attempt to justify the methods of their exercise of power. Second, the strict definitions of political discourse. Not all discourse of professional politicians is considered political discourse. It is defined by a multiangled network of factors, such as intentionality, conditions, role of speaker, etc. Parliamentary discourse is a type of political discourse that by definition fulfils the necessary conditions:

[Parliamentary discourse] displays particular institutionalized discursive features and complies with a number of specific rules and conventions. The discursive interaction of parliamentarians is constantly marked by their institutional role-based commitments, by an ongoing, dialogically shaped institutional confrontation, and by their awareness of acting in front and for the benefit of a multilayered audience. Parliamentary debates are meant to achieve a number of institutionally specific purposes, namely position-claiming, persuading, negotiating, agenda-setting, and opinion building, usually along ideological or party lines. (Ilie, 2015, p. 2-3).

Remaining within the boundaries of parliamentary discourse, which provides records of clearly defined discourse produced under identical rules for all its participants, ensures that no additional data is *interpreted* as relevant political discourse and included in the analysis in

order to support or reject a particular argument. It also ensures that the discourse analysed is produced by participants under identical conditions, which removes (or minimizes as much as possible) the possibility that the observable differences in data are a product of differing conditions, and not due to actual differences in opinion.

4. POLITICAL DISCOURSE ANALYSIS

The publicly available transcripts cover all the parliamentary procedures from “Romuva’s” initial application process of state recognition, including committee and parliamentary commissions’ sessions. The collected data amount to just under 19 000 words, including procedural intermissions. They are comprised of the opinions of 30 individual Members of Parliament, representing 6 different parties and parliamentary fractions (including independents), from both the coalition and the opposition. As such, they provide a wide, varied spectrum of motivations, both for and against the motion, and allow one to form a detailed picture regarding the motivations for “Romuva’s” rejection.

4.1 EVALUATION OF “ROMUVA” BY THE MOJ

The LRCA declares that any religious organization seeking state recognition must be officially evaluated by the MOJ, with the evaluation being submitted to Parliament before it can begin its deliberations. The evaluation found that “Romuva” fulfilled the legal criteria necessary for being granted state recognition: at the time of application, it had been operating for 25 or more years (since 1992), its teachings and tenets, including the Golden rule, ancestral reverence, the concept of *harmony* or *concord* (*darna*) and consideration of nature as the manifestation of the divine were in accordance with laws and public morality. “Romuva” was found to not only be the largest non-traditional religious association, but also the one to display the fastest growth in the past decade. The evaluation also concluded that “Romuva” enjoyed the most positive public image among the non-traditional religious organization and associations, as well as considerable growth of recognition. Those that were familiar with “Romuva’s” activities were much more likely to have a positive opinion on the association compared to those that were unfamiliar with it.

Commenting on the compatibility of “Romuva“ with the numerical and societal support requirements, the MOJ noted that Seimas had granted recognition to four previous applicant communities, some of which were less numerous and less publicly known than “Romuva” at the time of application. The first non-traditional religious association to be granted state recognition in 2001, the Baptist Union of Lithuania, was viewed positively by 7 % of

respondents compared to „Romuva’s“ 29,8%, while another organization, the New Apostolic Church, was granted state recognition in 2017 while having less than 500 members, compared to 5 118 adherents of the ancient Baltic faith.

Several complaints were voiced regarding the evaluation, one of them – by the Roman Catholic Church (others will also be subsequently addressed). During the proceedings, a letter was sent to one of the members of the parliamentary group “For Family” by The Lithuanian Bishops’ Conference (LBC), disseminated among its members, and quoted and referred to during the Parliamentary debates.

The letter questioned the very existence of such a historic construct as “ancient Balts” and “ancient Baltic faith”, noticing that “the concept of “ancient Baltic religious organization” is historically-scientifically meaningless, baseless and therefore misleading.” It declared that many of the statements provided by the MOJ in its evaluation are “of evaluative nature, cannot withstand scientific criticism and are chosen in an arbitrary manner. The arguments in the evaluation are usually not of descriptive, analytical and illustrative nature, but of creative and apologetic character.”

Due to these reasons, as well as the privileges state recognition would bestow upon “Romuva”, its granting would “grossly violate the Law [LRCA], especially the provisions of its article 6, needlessly mislead the citizens of Lithuania and would be discriminatory against all other religious organizations [...]”

While it is beyond the scope of this thesis to evaluate the validity of such criticism, it is important to notice that it did not result in any official attempt to challenge the evaluation, or to stop the process due to procedural shortcomings. The Parliamentary procedure was initiated, conducted and closed with the initial evaluation, which the ECtHR interpreted as proof that Seimas itself considered the evaluation sufficiently sound for the process to be legally appropriate.

4.2 LEGAL AND LEGALISTIC ARGUMENTS

The MOJ's evaluation, while a target of criticism, formed one of the principal arguments used in favor of "Romuva" being granted state recognition. The core of this was perfectly captured by MP Juozas Olekas (SDPL), during the session of the Committee on National Security and Defence (CNSD): "We, the signatories of this bill [to grant state recognition to „Romuva“] think that they meet all the criteria which have to be met by such a religious association, therefore we initiated this motion."

The bill was presented to Parliament by MP Valerij Simulik (LFGU), Chairman of the Committee on Human Rights. His initial presentation, as well as personal opinions relied heavily on the evaluation provided by the MOJ, as well as a strict interpretation of the legal framework of state recognition: "If we have set the rules, the organizations follow them, and, according to those same rules, have the right to be granted certain things, why would you like to take that right away from them?" Responding to a question during the initial Parliamentary session, he elaborated: "A religious organization ["Romuva"] that has its own customs, its own traditions, which conform to our laws, I don't know, not the laws of other states, but these are the laws of the Republic of Lithuania, which haven't been appealed to the Constitutional court, laws which are valid, where the requirements are listed." He later elaborated:

Lithuania is a state. A democratic, European state, which follows the rule of law. There is the LRCA. Whether it is a good law, or a bad one – I am not going to evaluate it. But it is a law. We live according to current laws, to procedures, to the Constitution and its norms. There are competent institutions. The MOJ, which oversees the execution of laws, their traditions, changes, their philosophy. There is the Government of the Republic of Lithuania, we have its evaluation. According to some of the arguments I have heard, I understand that evaluation to be meaningless to some of you. It is a competent institution, a collegiate institution, which provides the opinions of various different ministries. There is the evaluation. There is our own Law Department. Sometimes we make jokes about our legal professionals, but why do we not respect them, why do we not respect ourselves?

MP Olekas presented a similar argument:

This religious organization is registered in Lithuania, in accordance with the laws of the Republic of Lithuania, in accordance with the Constitution, operating like the MOJ has explained, without breaking the laws of the Republic of Lithuania, after 25 years, according to law, it can expect to be granted a different kind of status, after having proved the loyalty and honesty of its activities, stability, that is, to be granted state recognition. [...] We have no argument [against]. We can like a Muslim, we can like a Christian, but we are not talking here about who professes what and who believes what. We are talking whether it is in accordance with the law and whether it is a danger to national security, or not. [...]

The legal and legalistic arguments represented what could be called the “negative” approach towards the role that Parliament has to play in the process of granting state recognition. It is characterized by the belief that the Parliament’s function in the process is to serve as the final validator in making sure that the applicant fulfils the legal criteria, without recourse to individual evaluations of the organization. The MOJ’s confirmation that it does is sufficient for recognition to be granted.

Another aspect of this argumentative line is that the patience and the effort needed to meet the legal criteria, as well as the willingness of applicant associations to operate within the strictly defined framework is in itself an argument in favor of granting state recognition. An association that is law-abiding and agrees to “play by the rules” should be viewed favorably by the one(s) who set them (in this instance – the Parliament itself). MP Simulik’s reminder that the process of granting state recognition is a direct outcome of provisions of domestic laws also underlines one important aspect of this approach: the Parliament itself has the authority to set and change the rules. If they are found to be inappropriate, the Parliament should not punish the religious organization which the laws enabled to apply, but should change the laws that did so.

4.3 TOLERANCE AND NON-DISCRIMINATION

Appeals to the principles of tolerance, pluralism and non-discrimination formed another important line of argumentation in favor of “Romuva” being granted state recognition.

MP Simonas Gentvilas (LM):

Therefore I would like to wholeheartedly invite everyone to abstain from labeling [associations] as either good or bad ones, and to respect everyone’s wishes, the right of our every citizen to decide for himself to be a part of one or other religious organization and to vote in favor. I invite not to label organizations as being more aligned with one or other political party, to abstain from introducing such politicized divisions into this discussion. Let us look at this as a fundamental right of our citizens to consciously belong, and let us grant the status according to law. I invite everyone to vote in favor.

Summarizing his position later, MP Gentvilas remarked: “I invite everyone to be tolerant of those who are different, to stop ridiculing and start recognizing those who are different and believe what they want to believe. I invite everyone to vote in favor.” Also: “Honorable colleagues, I invite you all to see Lithuania not as a country of one or several privileged religions, but as a country of diversity. [...] Let us learn from our mistakes, let us respect everyone’s individual beliefs. Religion is a personal matter, but I would like to ask for tolerance in this country.”

MP Simulik expressed a similar opinion:

If we respect one another, and this respect does not interfere with us respecting others, I think that is the inception of everything. I wholeheartedly invite everyone to think of one’s neighbor, one’s friend, one’s comrade, who might think a bit differently than oneself, but he has that right, do not take that right away from him. Thank you.

Tolerance in these passages is understood not merely as the right to have and practice one's beliefs free from persecution, but also as being able to enjoy the full spectrum of additional legal benefits provided by the state for religious organizations; of not having a religious organization's activity deliberately limited to a more restrictive regimen simply due to its religious identity. The arguments closely resemble certain aspects of the 2017 CCtRL decision, especially its provisions that "the state cannot treat [other religious organizations] as less important and grant them less rights, and has the duty to make sure that the criteria of granting of a status of religious groups that confers special privileges must be applied impartially and without discrimination."

However, these arguments failed to persuade the majority of Parliament, and on some occasions, were opposed by other MPs who directly challenged the presented opinions.

MPs Stasys Tumėnas (LFGU), Jurgis Razma and Mykolas Majauskas (both - HU-LCD), among others, declared that "Romuva", despite the favorable evaluation by the MOJ, did not meet the necessary criteria. The organization was either too small, did not have the sufficient level of public support, had not been operating for the required period of time – or all of the above. Both MPs Razma and Majauskas based parts of their arguments on the CCtRL's 2007 ruling's definition of „societal support“ (solid and permanent, not limited to a small group of people or society, several decades of activity, one or few generations) and „Romuva's“ failure to meet it.

MP Tumėnas questioned the conclusions of the MOJ made in its evaluation:

How and on what basis was it determined, that "Romuva" is a part of Lithuania's historical, spiritual and social heritage? The numbers tell us something else. What is the evidence, that "Romuva" enjoys broad public support? According to the 2001 census, 79 % of Lithuanians identified themselves as Roman Catholics, according to the 2011 one – 77,2 %. It is true, the evaluation by the MOJ includes data and facts that "Romuva" enjoyed the fastest growth of membership. In 2001, 1 270 citizens of Lithuania identified themselves as members of this organization, which is only 0,04 % [of the population]. And in 2011, its already 5 118, but that is still only 0,17%.

Two argumentative strategies stand out. First, the existence of a Catholic majority in Lithuania is itself presented as an argument that "Romuva" cannot be supported by the public.

Catholic identity is assumed to be so publicly exclusionary, that its mere existence is taken to preclude the possibility of the necessary levels of support for “Romuva”.

The argument also seems to rule out the possibility that those who personally identify as Catholics could still support the claims of other religious organizations and associations on secularistic, non-discriminatory and ecumenical principles. It could be described as imposed or assumed deprivatization, whereby the identification of a population’s majority with a particular religion is inverted to mean the public’s aversion or non-support for others.

Second, the argument that “Romuva” is too small to be granted recognition is supported by choosing to compare it to the largest, traditional denomination, instead of other minority religious organizations, including the ones which had been granted recognition by Seimas. Such a choice in a contrastive argument (arguing for insignificance by comparing with the largest possible variable while many intermediate comparative variables are available) is indicative of the intention to deliberately portray “Romuva” as insignificant.

Regarding the arguments for tolerance and non-discrimination, MP Arvydas Anušauskas (HU-LCD) opined that “according to my understanding, those 160 non-traditional organizations which exist, can realise [their freedom of religion] without this kind of recognition, it should maybe be sufficient to not interfere with them.”

MP Andrius Navickas (HU-LCD) added to the argument, saying: “I do not think that refusal to grant state recognition to the extant organizations violates their right to freedom of religion. For that freedom to be realized, they apply and register as religious organizations.” Later, he continued: “Freedom of religion is a completely separate thing. Freedom of religion is guaranteed and provided to all organizations. We are talking whether the state should enter into a relationship with a religious organization, or not.”

This argumentative line has many close similarities with CCtRL’s rulings of 2000 and 2007, as well as Blinstrubis’s evaluation of the legal framework. The principles of tolerance, freedom and non-discrimination are seen as being fulfilled by the ability of religious organization to function without undue interference from the state, and they do not translate into the right of all religious organization to be treated equally when applying for additional privileges, simply based on them fulfilling the same legal criteria. According to the latter speakers, it is not sufficient for a organization to simply fulfil the criteria, and for Seimas to validate the fact. The state has to *want* to enter into a particular, closer relationship with a

specific organization. As such, it forms a direct opposite of the “negative” position discussed above. Numerous reasons were provided as to why such a will might be lacking.

4.4 NON-RELIGIOSITY OF “ROMUVA”

One of the most proliferous lines of argument against granting state recognition to “Romuva” was that at its core, it was anything *but* a religious organization. As such, “Romuva” should not and could not be granted a status reserved exclusively for organizations of religious nature. While somewhat overlapping with the legalistic approach, this thread is much wider and detailed, and deserves separate consideration.

Presenting the most elaborate version of the argument, MP Rimantas Jonas Dagys (HU-LCD), who, responding to the initial presentation of the bill by MP Simulik, opined:

Honorable speaker, one can hardly accept that notion of yours, that belief in folklore, in cultural heritage is one of the forms of faith. At least that is how you have presented it. There is hardly any basis to talk about whether or not it is a religion. But if we are talking about the legalization of religion, then it either must have historical continuity, or must be formulated around certain dogmas, what it is, so that we could know, because now it seems sometimes, what we are deliberating here. If we are talking about the Baltic faith, which came after... Regarding cultural heritage, we are all independent of our beliefs... but the Baltic faith had a clear priority. Many gods, Perkūnas among them, the most senior one. Is that historical continuity maintained or not, because that is the basis of faith? Everything else is folklore, ethnicity, songs, all kinds of other additional attributes.

Continuing in a later session, MP Dagys clarified, that: “[t]his organization can hardly be seen as a religious one, since it would be a strange question indeed to ask whether they believe in Perkūnas and its powers. How they imagine the afterlife or if they don’t, what spirits they believe in.”

Here, the Romuvans’ self-proclaimed belief in a polytheistic, ancient Baltic pantheon is *ab initio* declared to be beyond serious consideration, thus allowing one to claim that the association lacks religiosity necessary for state recognition. The remaining side of this argument is that only belief in *certain* deities (or a certain number of them) can be considered

to be authentic religiosity, while belief in others is automatically relegated to incredulity or mere cultural reconstructionism. This argument is later given more weight by MP Povilas Urbšys (I), who, quoting former MP and philosopher A. Patackas, declared the proclaimed polytheism of “Romuva” to be not only inauthentic religion as such, but inauthentic recreation of the true ancient Baltic faith:

[...] He [Patackas] very clearly said, that a Lithuanian’s relation to Christianity is a special one, since to a person who has only one God, the comprehension and adoption of Christian ideals, as well as falling in love with Christ is easy. A. Patackas was certain that religion of ancient Lithuanians was first and foremost intertwined with the concept of one God, and considered the subsequent polytheism to be a kind of deviation from the ancient religion. He logically raised a question: if our old religion was so valuable, maybe at least those to whom Christianity in itself is, for one or other reason, is unacceptable, should still return to it?

The passage seems to indicate that since monotheism was at the core of ancient Baltic religion, there is no current need for “Romuva” or any other pagan organizations in Lithuania, because the monotheistic alternative – Christianity – already fulfils the needs of possible believers. If the Romuvans truly hold the ancient faith to be worth seeking out and maintaining, indicates MP Urbšys, they should do so through Christianity.

MP Kęstutis Masiulis (HU-LCD) also expressed his doubts regarding the religious nature of “Romuva’s” activities, noting that “[t]here are religions which are more concepts than religions. This [“Romuva”] is also more a concept than a religion. Confucianism [for example]. One starts to doubt whether Confucianism is a religion... I would doubt that. It’s more of a philosophy. This [“Romuva”] is something similar. [...]”

4.5 RIDICULE, TRIVIALITY

A subtype of the non-religiosity argument was expressed through what can be described as ridiculing and trivializing “Romuva” and paganism in general. One such attempt likened “Romuva” to veganism and other movements following dietary requirements, in a type of “slippery slope” fashion.

Edmundas Pupinis (HU-LCD):

Dear colleagues, truly, no one is prohibiting anyone from following any traditions. The question is, when that tradition can become a church. The criteria you've mentioned, that is, length of operation and number of people, can be applied to many things. For example, people that traditionally abstain from eating certain foods – vegans and the like. Do you really think that all traditions can grow to become religions? Is there really any use... Religion is a deeper feeling. Don't you think that an organization can be divided because of this?

Possibly attempting to present “Romuva” as a farcical, MP Petras Gražulis proposed that the bill regarding “Romuva's” recognition should be referred to the Committee on Rural Affairs, since “...they [the Romuvans] worship the land, the stones, thunder, rain, so I think the Committee on Rural Affairs could also really review the bill.”

Finally, a member of the Homeland Union proposed that granting state recognition to “Romuva” was one MP's vanity project, a nearly useless enterprise, which is better-off substituted with logistical projects. Mykolas Majauskas:

Truly, every leader wants to leave after himself a kind of legacy, which would serve as a reminder of him and give an idea of him. A. M. Brazauskas built the Palace of the Grand Dukes, A. Kubilius successfully managed the financial crisis, during the tenure of A. Butkevičius Euro was introduced, and now R. Karbauskis wants to leave a kind of entrenchment of neopaganism in Lithuania. Of course, it would be better if that would have any kind of wider benefit for society instead of one narrow group, for example, building a road for that occasion, or a bridge, but here we are. [...] Truly, if we recognize “Romuva” here today, then maybe we should consider Anastasianism, as nature-spiritualism, the Baha'I religion, probably the recognition of shamanism.

These passages convey the imagery of paganism as inherently primitive or laughable, not worthy of serious consideration or even a parody religion, and interprets its practices as the most basic animism, or even less than that - a set of practices that are on the same level as dietary choices. The claim of “Romuva” to be granted state recognition is presented as being of such miniscule degree, that accepting it would devalue the process as a whole.

These ideas also mirror an argument which the state of Lithuania presented to the ECtHR in defense of Seimas's decision: that the state has the duty to ascertain that recognition is not granted to parody religions, such as Pastafarianism, Dudesim, Jediism and other movements, deliberately established as mockeries of world religions. While a valid claim, it would mean that Seimas interpreted "Romuva" to be such an intentionally malicious movement, and paganism - a parody religion. It is certainly not beyond possibility that "Romuva" (or any other movement) could be a such a movement, the state had considered it to be a substantial religious organization by both agreeing to register "Romuva" as such, as well as including "ancient Baltic faith" as an option its official census' section on religion.

As the analysis of the legal framework of the relationship between state and religion has shown, the state is considered to be at least partly competent in determining the cultural significance of religious organizations. According to the arguments above, this competence has much wider boundaries. While the arguments from triviality would fall within this definition, the arguments of non-religiosity expand these boundaries.

This approach puts Seimas in a position of wide-ranging authentication of religious belief. The Parliament's duty is seen as not being limited to the validation of fulfilment of legal criteria or its cultural and societal significance, but extends to the examination of the applicant organization's sincerity, its deities, authenticity of core tenets and beliefs, and separation of authentic religions from impostors. At least part of these duties are relegated to the MOJ, which fulfils them by either accepting or rejecting applications to register a legal person as a religious organization, as well as by compiling the compulsory report on the eligibility of a religious association to be granted state recognition. Nevertheless, the abovementioned arguments show that for at least several members of Seimas, the Parliament has the authority to question the religious nature of a legal person which has been officially granted the status of religious organization by the state's government. The approach includes an inherent paradox, whereby the reason for not granting state recognition to a state-registered religious organization is its lack of religiosity.

Several attempts, again displaying the "negative" type approach to the process, were made to persuade MPs to abstain from passing judgement on the religious beliefs of "Romuva". MP Navickas voiced one of them: "I just wanted to correct the presenter and my colleagues who spoke before – today, we are not deciding whether the ancient Baltic religious organization "Romuva" is religion or not. That is not within our competence to decide." MP Gentvilas

expressed a similar point of view on different occasions: “Romuva” has public support. It has been a registered organization for 25 years, and it is not for me to say that it is not even a religious organization, when our own laws say that for 25 years they have been here, in Lithuania, living a full and comprehensive life.” “When someone tries to impose that there is only one truth, or when someone says that someone’s God is false, or something on those lines, dear colleagues, we should learn from having forced our own citizens to move to other states, where they were granted political asylum. Let us not repeat the same mistake by offending our neighbours and colleagues.” Despite these appeals, the final result of the process (rejection) indicates that the approach of Seimas’s competence in religious matters prevailed.

4.6 NATIONAL SECURITY

A very prominent line of critique focused on alleged ties between the applicant organization and the former Soviet Union, including its successor – the Russian Federation. As a result, granting state recognition to “Romuva” was presented as providing state support to a movement which was a threat to national security, and giving aid to possible hostile elements within the state.

Initial doubts regarding “Romuva’s” ties to a possibly hostile state were raised by MP Arvydas Anušauskas, who voiced his concern regarding the incomplete evaluation by the MOJ. According to him, it was missing “several items regarding the inception of this organization, its participation in certain movements.” During CNSD session regarding “Romuva”, MP Anušauskas attempted to substantiate the doubts surrounding “Romuva”, and repeated his initial objections to it being granted state recognition on the grounds that the necessary evaluation of the religious organization by the MOJ was faulty: “Why does your evaluation include only partial information, excluding everything, for example, about those international relations, about, for example, I open this Russian online journal... Which talks about a “Russian-Lithuanian paganism project.” There are many such things [...] which are not assessed, are not discussed in your evaluation in any way [...]”

Despite MP Anušauskas claims of omitted information regarding the applicant community’s connections with the Russian federation, the committee found no compelling

evidence to substantiate the claims, and with seven votes in favor and two abstentions, voted in favor of granting state recognition to “Romuva”.

By far the most scathing criticism, and the one which caused most controversy, was voiced by MP Žygimantas Pavilionis (HU-LCD):

We should not forget that Russia’s KGB has thoroughly, since Soviet times, been doing everything to strengthen paganism in Lithuania. Read Dugin’s writings. He clearly says that Christianity is one of those cornerstones that have to be destroyed, it was also the backbone of the partisan movement. Therefore, I think that, willfully or not, consciously or not, those who are presenting this bill are simply following the instruction of the Kremlin. You are doing that which Dugin wrote about in his books in very large print.

An important aspect of this line of critique was that paganism was inherently and destructively divisive: it attempted to represent itself as the definitive, “true” religion of Lithuanians, and thus wedge itself in between the links that the Catholic Church and national identity had formed and successfully used in resisting the pressures of Soviet occupation. MP Navickas:

The responsibility will fall precisely to Seimas, whether we will continue the policy of the Soviet period, when up until 1940, ethnic culture, Christian traditions lived side by side very beautifully and in harmony, and were then separated and pitted against each other. Sadly today, we can entrench this opposition once again. I do not believe that anybody owns the Lithuanian language, or that some religious tradition can privatize ethnic culture. That pitting against each other of the Lithuanian identity and Christianity, of ethnic culture and Christianity, which we want to perform today, is truly the continuation of the tradition from the Soviet period. I am not saying, that “Romuva” is a project of the Soviet period, most definitely not, but that opposition has come, regrettably, from Soviet times, and I suggest that we postpone this question today, and do not vote. Maybe a time will come when we can recognize this association as well, but definitely not today.

The passages represent the system of state recognition as a zero-sum game, where the granting of state recognition is automatically seen as the loss of those organization which already enjoy its benefits. Specifically, the granting of state recognition to “Romuva” is presented as strengthening paganism at the expense of Christianity, therefore the refusal to

grant recognition to „Romuva“ was necessary to protect it, which in turn ensured the security of the state. The „see-saw“ principle is also used by MP Laurynas Kasčiūnas (HU-LCD), during the session of CNSD:

Another question, I am very interested in what opinion do the members of your organization have about Christianity and Catholicism, whether it is like some of your strange placards I have seen, presenting your opinion about Christianity as some kind of invader religion, or whether you think that in this current context of secularization and laicism and the increasing intensity of these processes, both traditions kind of help to strengthen the moral fabric of society and are in a kind of alliance or maybe are not in opposition to each other [...]

The passage also exemplifies another important requirement that MPs use for decisions regarding state recognition: the opinions of the applicant organization on the dominant religion, and its relationship with it.

In order to evaluate the basis of this argumentative line, it is important to underline that both domestic and international courts have ruled that no specific evidence was produced to prove the danger that “Romuva” poses to national security. During the session of Commission on Ethics and Procedures (CEP), MP Pavilionis stated that in his private conversation with the chief of Department of National Security, the latter admitted to the lack of evidence regarding “Romuva’s” incriminating activities, while agreeing that “this activity is in line with [Putin and Dugin’s] ideology”. Therefore, the arguments relied not on particular, demonstrable actions of “Romuva”, but on the perceptions of paganism in general, and “Romuva’s” identification as following this religious tradition. MP Pavilionis specifies this during CEP’s session, saying: “because, you see, I never said that “Romuva” is some kind of representative or organizer of special intelligence services, I only drew attention to the statements of Putin’s chief ideologue Dugin, who is in fact his media representative, that Christianity in this territory, where Putin wants to create his so-called Russian world, is the greatest threat to him.” “Romuva”, therefore, must be refused state recognition not for its actions or failures, but to preserve Christianity.

4.7 INTERNATIONAL IMAGE

The geopolitical aspect was not exclusively focused on what could be described as “hard issues” (national security risks), but also on issues that in international relations theories are usually relegated to the “soft power” phenomenon.

MP Andrius Kubilius (HU-LCD), relating the historic hardships of Lithuania’s Christianization, expressed his concern that “now we are beginning to debate whether to recognize the followers of the so-called Baltic religion the official religion of Lithuania right at the moment when in autumn, the arrival of the Holy Pope to Lithuania is expected. What would that mean, such analogies? [...] I would suggest to review this very carefully and avoid making truly major state-level mistakes.” MP Ž. Pavilionis joined A. Kubilius and urged his colleagues to “also think about our relations with Poland. Soon we will all be going to commemorate the Union of Lublin. Think about that, about how you would have looked the Pope in the eye [...] Think about those geopolitical aspects, since they will surely be exploited. We will be laughed at in the whole Christian world, since we, of course, will be unique in this aspect.”

The process moves from the evaluation of the candidate under applicable legal norms to the question of international sensibilities, namely – offending predominantly Christian allies and Catholic authorities. The axis of the process is shifted from “does the applicant organization deserve this?” to “what will the Christians abroad think?” While treatment of religious organizations (especially in the form of religious persecution) is a regular topic of international relations and human rights discourse, the process of granting state recognition is not a way of infringing upon rights, but of expanding (or ensuring) them. The arguments regarding international image inverted the issue, and presented not the infringement, but the expansion of the rights of a particular religious organization as extremely problematic.

The procedure, therefore, becomes a way of international loyalty-signaling, and decisions to either grant or reject an applicant organization – a method of expressing the state’s religious affiliation. According to such an approach, even an organization that fulfils all the legal criteria can be rejected, simply due to the fact that recognition could be seen as bad for the state’s image, the beneficiality of recognition being measured by beneficiality to Christianity.

The linguistic construction of these arguments – use of absolutes, hyperboles (“truly major state-level mistakes”, “laughed at in the whole Christian world since we, of course, will be unique in this aspect”) also serves to underline that the issue of state recognition is one that transcends the sphere of private matters, and is seen as being of extreme national and international importance.

4.8 INDIVIDUAL DEPRIVATIZATION

Individual religiosity was also relied upon by MPs during the debates. Examples of this include MP Tumėnas: “I am a Catholic and I am not planning on changing my faith, and I advise you to do the same”; MP Urbšys: “As a Roman Catholic, I never denied nor will I ever deny the importance of the Lithuanian pre-Christian religion in shaping the spiritual identity of our nation.”; MP Dagys: “Now, let us each ask ourselves a question, what is ethnicity, ethnic traditions? So we are all the same, we all respect the same ethnic tradition, like to celebrate them, and so on. So what, we are all pagans now, or romuvans? No, most of us are Catholics. Or are we going to be trying to reconcile this kind of internal dualism?”

During the session of Commission on Ethics and Procedures, MP Mazuronis, praising MP Pavilionis’s religiosity, asked him whether his remarks regarding “Romuva” and the danger it posed to Lithuania could be “the result of your individual belief in one particular side of religion, your meetings with the Cardinals [...]”. Replying to this question, MP Pavilionis agreed, saying: „As for values – yes, I confess, I am not afraid of that, but the thing that I have learned in the US, please, would you be so kind, those who are interested, read my dissertation. All the Founding Fathers of America, not necessarily Catholics, make a very clear connection between values, between the belief in good and evil and democracy. When these values disappear, we actually become the tools of power politics. This is my belief, I represent a particular segment of voters...”

The episode seems to suggest that MP Pavilionis’s motivation for opposing “Romuva” was either based on his personal, religiously motivated views on good and evil, or the belief that “Romuva” as such threatened the link between morality and politics, and had to be opposed in order to resist its replacement with power politics.

In a somewhat similar fashion, MP Urbšys, again relying on the philosophy of A. Patackas, opined:

And later, A. Patackas continues after the ellipsis: “I do not know how a person who had passed by the Son of Man without recognizing him could be helped. Should he be suggested to delve into the answers prepared by theology, to take up the study of religion, to return to the Catechism, forgotten in childhood, travel to sacred places, to fast? Close... And still, how could this be, how could this have happened – to pass by and not recognise?” He, I think, meant to not recognize Christ, the Son of God.

The eloquent passage, while not a direct proclamation of individual religiosity, communicates a similar idea: that not being a Christian is a misfortune, a failure religious education and experiences.

Declarations of individual religiosity (“as a Christian”, “I am a Catholic”, etc.) far outnumbered arguments from political ideology and identity (“as a liberal”, “I am a conservative”, etc). Indeed, the latter were nearly absent from the available parliamentary discourse. This shows that when deliberating upon questions involving religion and religious organizations, certain MPs approach the issue not as politicians solving a policy question, but as members of a particular religious denomination attempting to reconcile their decision with their religious identity.

SUMMARY AND CONCLUSIONS

The debates during the process of granting state recognition to “Romuva” included a plethora of different arguments and counter-arguments. Arguments that were most in favor of granting state recognition to the applicant organization underlined the importance of Parliament acting within strictly defined, legal limits, and not substituting the opinions of other institutions with its own. Religion was directly labeled a private matter, Seimas’s authority in making normative judgements about was seen as virtually non-existent, and the principles of secularism – non-partiality, tolerance as equality, freedom of conscience and pluralism - were constantly alluded to. Despite this, the overall outcome of the process (refusal to grant state recognition),

as well as the political discourse supporting such an outcome clearly displayed its limits. The result was in large part an outcome of:

1. Concerns for national security, state image and international relations:
 - a) Granting state recognition to “Romuva” was seen as a possible threat to national security. Historical interpretations of neo-paganism as intrinsically anti-Christian Soviet legacy, as well as Aleksandr Dugin’s ideas were cited as basis for the claim. The perceived threat from “Romuva” was based not on its demonstrable activities, but mainly on its pagan identity;
 - b) The prospect of a pagan religious organization being granted state recognition was perceived and presented as a direct threat to Lithuania’s international relations, especially with its Christian allies. Religion was seen not as a merely public, but hyper-public matter of geopolitical importance.

2. Individual religious preferences and beliefs of MPs:
 - a) The individual beliefs of decision makers were openly declared as parts of argumentative constructions; participants presented their arguments “as Christians” or “Catholics”, appealed to each other as “fellow Christians”, warned one another against converting from Catholicism. Arguments were constructed around personal religious, philosophical and theological interpretations; the issue was approached not as a policy question, but as a resolution of religious tensions;
 - b) participants displayed confidence in not only assessing the compliance of the applicant with the legal requirements, but also in challenging the opinions of other institutions; in evaluating the applicant’s truth claims, sincerity of belief of its members, ideological content of its religious teachings, theological propositions, and other aspects of its activities and identity.

3. A high level of normative, as well as attempts at direct influence by the dominant religious organization:

- a) The normative influence of Christianity on the overall process was demonstrably evident. The legal demands specified in the LRCA (length of operation, number of adherents) were interpreted and contrasted against those of Christianity and the Roman Catholic Church; “Romuva’s” doctrinal and theological principles (e.g. polytheism) were compared and contrasted directly against those of Christianity; “Romuva’s” opinions on Christianity as well as its willingness to cooperate with the dominant denomination were seen as important factors in the debate; it being granted state recognition was presented as a zero-sum game against the majority religious organization. The rhetorical mechanisms used against the perceived opponent (“Romuva”), such as ridicule, anecdotes and hyperboles, show that the process was approached in a highly competitive manner, whereby “Romuva” is seen not as a candidate that has to be evaluated, but as an opponent that has to be resisted and defeated;
- b) The active role played in the process by the RCC, best displayed by the letter sent to the MPs proved that it is not only prepared to use its influence when shaping public policies regarding morally charged issues, but also in attempting to influence the relationship that the state forms with other religious institutions.

CONCLUSIONS AND SUGGESTIONS

Modernization of societies is redefining the position that religion and religious organizations occupy in it. Shifting epistemological paradigms, advances in science, industrialization and increasing functional differentiation of institutions have all resulted in the decreasing influence and importance of this previously dominant social institution. The decrease, contrary to some early secularist predictions, has not resulted in its disappearance. The continuing influence of religious organizations on various public and political organizations, as well as the re-emergence of influential religious movements provides a serious challenge to the postulates of secularization.

The principle of secularism in politics, built upon the idea of maintaining a healthy distance between state and religion, and lauded by some as a crucial part of modern democracies, has taken various shapes across the world's states. By default, all of them engage in some level of regulation of religion. While most recognize the importance of religious freedom and non-discrimination, this fails to prevent the experiences of discrimination by the majority of the world's religious minorities. Historical settings under which states have achieved modernity, including the part played in the process by particular religious organizations, shapes the type of secularism a state employs, and its attitudes towards other religious organizations.

Lithuania is no exception. The role the Roman Catholic Church has played in the development of the national consciousness as well as resistance to foreign powers has contributed to the development of its fusion with the national identity. At the start of the thesis, I set out to test two main hypotheses: (1) that the state's approach towards minority religious organizations seeking state recognition displays a high level of normative influence by the dominant religious organization; and (2) that the religious identity of the organization seeking to be granted state recognition, as well as the content of its beliefs and practices is a major factor in shaping the attitude of the state towards it, even in cases where they are not in conflict with the law and public morals. The arguments used to justify the state's refusal to grant recognition to "Romuva" minority religious organization showed the normative influence of Christianity in a variety of ways. In determining its societal support and size, authenticity of belief, even certain theological propositions, "Romuva" was constantly compared and

contrasted with the dominant religion, on numerous occasions – by MPs who openly declared their Christian beliefs.

Granting of state recognition to “Romuva” was argued to be a threat to national security, as well as to Lithuania’s friendships and alliances abroad. As the arguments showed, it was not because of something that “Romuva” itself had done, but because of what it was. Recognizing “Romuva” was seen as abandoning Christianity in favor of paganism, as the two were seen as irreconcilable adversaries engaged in a zero-sum game.

In the light of these results, secularization’s predictions of the emancipation of different spheres from religious norms and practices, and the withdrawal of religion to the private sphere seem to meet their limits. While the findings do not invalidate these propositions as a whole – as their scope exceeds politics and involves a greater variety of variables – they show that pockets of resistance to the secularizing influence of modernity remain entrenched in Lithuania.

The results of the ECtHR’s ruling, mandating changes in the system of state recognition of religious organizations in Lithuania, remains to be seen. It is clear that many more requests to be granted state recognition await in the future, inevitably some of them – by non-Christian religious minority organizations.

One way to improve the system would be to by introduce additional stages into the process before the deliberations are transferred to the Parliament for final debate and validation. A stage where both the applicant organization and the state’s representatives are able to familiarize themselves with the compulsory evaluation and demand for its review or amendments based on additional data could serve as a preemptive measure against complaints of it being partial or incomplete.

A more radical solution to alleviate the possible shortcomings of the process would be to either transfer the prerogative of granting state recognition to another state institution (the government or one of its ministries, or a dedicated commission or department). However, given the constitutional doctrine of Lithuania, the complete removal of Seimas from the process is unlikely, and a system where the role of Seimas is not replaced, but split between it and another institution seems more likely.

Whichever direction the future reforms take, the relationship between state and religion is likely to remain a highly contentious issue, with minority religious organizations continuing

to challenge the established norms and legal provisions, and forcing the state as well as the dominant religious organization to come up with new responses to these challenges.

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SANTRAUKA

POLITINIO DISKURSO LIETUVOS VALSTYBĖS IR RELIGIJOS SANTYKIŲ TEMATIKA ANALIZĖ: VALSTYBĖS PRIPAŽINIMO SUTEIKIMO SENOVĖS BALŲ RELIGINEI BENDRIJAI „ROMUVA“ PROCESO 2018-2021 ATVEJO STUDIJA

Religija, kaip viena iš svarbiausių visuomeninių institucijų, dėl modernizacijos sukeltų pasekmių išgyvena iššūkius savo turėtai pozicijai. Viena iš sferų, kurioje religija anksčiau turėjo ryškią įtaką, yra politika ir valstybės valdymas. Sekuliarizacijai žengiant į priekį, šalys susidūrė su būtinybe rasti sprendimą klausimui, kokius santykius religija ir valstybė gali palaikyti, nekeliant grėsmės tikėjimo laisvei, lygybei prieš įstatymą, mažumų teisėms bei užsitikrinant apsaugą nuo priespaudos.

Šio darbo tikslai buvo:

- Apžvelgti sekuliarizacijos teoriją, jos numatymus ir galimą kritiką;
- Išanalizuoti religijos ir valstybės santykių sferą per religinių mažumų prizmę pasaulyje ir Lietuvoje;
- Išanalizuoti sprendimo teisę turinčių argumentus, kuriais remiantis yra sprendžiami religinių mažumų ir valstybės santykių klausimai;
- Įvertinti galimą dominuojančios religijos įtaką valstybės ir religinių mažumų santykiams per valstybės pripažinimo suteikimo proceso prizmę ir išanalizuoti ją sekuliarizacijos teorijos šviesoje.

Nors sekuliarizacijos teorija ir numatė religijos įtakos mažėjimą, o valstybės ir religijos santykių atskyrimas tapo modernios demokratinės valstybės sinonimu, religinės organizacijos neatrodo linkusios susitaikyti su visuomeninių pozicijų praradimu ir santykių su valstybe nutraukimu.

Valstybės, savo ruožtu, išlaikė tam tikrus religinių organizacijų kontrolės ir reguliavimo mechanizmus, ko pasekoje daugelis jų susiduria su prieš jas nukreiptomis diskriminacinėmis nuostatomis. Sekuliarizmo idealai, pritaikyti realybėje, įgauna įvairias formas, kai kurioms iš jų sąlygojant naujus valstybės ir religinių organizacijų santykių tipus.

Empirinė tyrimo dalis buvo atlikta analizuojant politinį diskursą visų su mažumos religinės organizacijos „Romuva“ valstybės pripažinimo prašymu susijusių parlamentinių procesų metu, siekiant išanalizuoti valstybės motyvus jos elgesyje su religinėmis mažumomis. Seimo nariai, kuriems yra suteikta kolektyvinė prerogatyva suteikti valstybės pripažinimą religinėms organizacijoms, pateikė eilę argumentų, paaiškinančių atsisakymą suteikti valstybės pripažinimą „Romuvai.“

Ji buvo pristatoma kaip nereliginio pobūdžio organizacija, kultūrinis, o ne religinis judėjimas, per maža ir per menkos svarbos, ypač lyginant su daugumos išpažįstama religija, kaip pavojus krikščionybei, ir tuo pačiu – nacionaliniam saugumui. Galimybė, jog „Romuvai“ bus suteiktas pripažinimas, buvo interpretuojamas kaip galimai milžiniškas neigiamas pasekmes Lietuvos tarptautiam įvaizdžiui ir jos santykiams su krikščioniškais sąjungininkais turėsiantis veiksmas.

Argumentai naudoti pagrįsti valstybės atsisakymą suteikti pripažinimą "Romuvai" parodė, kad valstybės santykis su tam tikromis religinėmis mažumoms išlieka svarbia politine ir geopolitine problema, kad valstybinio religijos reglamentavimo klausimuose Seimas, kaip politinė institucija, demonstruoja plačią dominuojančios religijos normatyvinę įtaką, ir kad valstybės sprendimams dėl santykių užmezgimo su mažumos religinėmis organizacijomis stiprią įtaką daro aplikuojančios organizacijos religinė tapatybė. Empirinis tyrimas parodė, jog sekuliarizacijos teorijos numatomas nereliginių sferų ir institucijų išsilaisvinimas iš religijos normatyvinės įtakos negali būti betarpiškai taikomas politinei sferai Lietuvoje, ypač valstybės požiūryje į religines mažumas ir jų organizacijas.

Europos Žmogaus Teisių Teismas nusprendė, kad Seimo sprendimai „Romuvos“ atžvilgiu buvo diskriminuojantys, dėl ko kilo poreikis iš naujo svarstyti „Romuvos“ paraišką ir daryti pakeitimus visame pripažinimo suteikimo procese, kurie neleistų ateityje vėl pasireikšti panašioms trūkumams. Buvo pasiūlyti galimi pakeitimai: papildomų stadijų įtraukimas, suteikiant progą tiek į valstybės pripažinimą pretenduojančioms religinėms organizacijoms, tiek pripažinimą suteikiančioms institucijoms geriau įsigilinti į Vyriausybės teikiamus religinių organizacijų įvertinimus, taip pat galimas prerogatyvos suteikti tokį statusą pasidalinimas su kita institucija.