Article

Current Challenges to the Protection of (Neo)pagans’ Religious Freedom in the Baltic States

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Abstract: In the late 1980s, the activities of (neo)pagan groups were renewed in Estonia, Latvia, and Lithuania. Today, the (neo)pagans have taken a stable place among the new religious movements in the Baltic states. The social inclusion of Baltic (neo)pagans is made difficult by the state authorities, which have applied to them the same kinds of legal regulations as for unregistered “non-traditional” religious communities. Currently, (neo)pagan attempts to be included in social life come up against the state authorities’ desire to closely control religious organisations. Despite common features, differences determined by both historical and political conditions can be observed: in Latvia and Lithuania, the (neo)pagan groups maintain that they are entitled to the same legal status as “traditional denominations” or “traditional religious association”; in Estonia, (neo)pagans are involved in discussions about religious freedom, religious education, and the preservation of historical sacred sites. Even though (neo)pagan groups in the Baltics have not gained the same legal status as the Christian denominations and their social inclusion is problematic, they have not been excluded from social life, as their activities have roots in the Latvian, Lithuanian, and Estonian traditional way of life, which is valued highly nowadays. In this article, qualitative comparative analysis is used as a methodological tool, which helps to explain changes in contexts and settings of the Baltic states.

Keywords: Romuva; Dievturi; Taaralased movement; Maausulised movement; legal status; constitutional guarantees; religious freedom

1. Introduction: Study Area, Previous Research, and Methods

The present paper discusses the relationship between constitutional democracy and (neo)paganism by focussing on the legal systems of the Baltic states that should ensure everyone’s entitlement to rights. The paper’s objective is to discuss the challenges in the protection of (neo)pagans’ religious freedom in contemporary Latvia, Lithuania, and Estonia. The Baltic states formed stable legal systems at the beginning of the 20th century by adopting their constitutions. The question of human rights protection came to the forefront in Estonia, Latvia, and Lithuania after they regained their independence (1991). Nowadays, the entitlement to rights does not allow democratic institutions to impose restrictions on the basic freedoms without a constitutional reason, i.e., democratic institutions cannot restrict constitutional freedoms without a due cause. There is, however, some dissatisfaction observed regarding the existing human rights to religious freedom in the Baltic states, and this dissatisfaction is related to the legal status of the (neo)pagan groups.

There is no terminological and conceptual consensus among scholars on how to define and interpret the religious phenomenon that the practitioners themselves call paganism. Respecting the position of practitioners, some scholars prefer the term paganism (Pearson 2002), (Clifton and Harvey 2004), (York 2016), whereas others see the differences between the ancient and modern forms of religion and use neopaganism, a general term (Jorgensen and Russell 1999), (Magliocco 2012), (Lingan 2014), (von Schnurbein 2016), (Saunders 2019), (Weidner Maluf 2019) which “covers all those modern movements which are, firstly, based on the conviction that what Christianity has traditionally denounced as idolatry
and superstition actually represents/represented a profound and meaningful religious worldview and, secondly, that a religious practice based on this worldview can and should be revitalized in our modern world” (Hanegraaff 1996, p. 77). The use of the terms paganism and neopaganism raises discussions about the persistence of archaic religious traditions in a society dominated by Christianity. Recognising that the modern paganism is not identical to the paganism which existed more than two thousand years ago, scholars often prefer descriptive terms like contemporary paganism (Barner-Barry 2005), (Pizza and Lewis 2008), (Rountree 2015), modern paganism (Gay 1966), (Rountree 2017), and even contemporary neo-paganism (Berger 1998). Drawing the reader’s attention to the conceptual and terminological problems, the terms paganism and neopaganism have been replaced by (neo)paganism. While it is not a perfect solution, it is recognisable and thought-provoking. Publishers often violate the principle of academic freedom by insisting on the use of a single term; therefore, even articles by the same author may use different terms in different journals. The terminological and conceptual disagreements are due to “the methodological principles of essentialism, exclusivism, loyalism, and supernaturalism” (Davidsen 2012, p. 194). The fragmentation of the field could probably be resolved by using the term traditional religion of the history of religions also in pagan studies and social sciences. However, this seems to be a premature proposal since, in the post-Soviet countries, including the Baltic States, legislators in the 1990s degraded the term (it referred to a country’s historically oldest Christian denominations). It takes time for society to forget the incorrect use of this term so the term traditional religions may be applied to denote those religions that are now often referred to as paganism or neopaganism.

Religious pluralism facilitated by globalisation processes is thriving in Estonia, Latvia, and Lithuania to the extent that has never existed before in the Baltic states. Pluralism in itself is nothing new in the geocultural context of the Baltics, as the national communities of Estonia, Latvia, and Lithuania have long since been enriched by various ethnic and religious minorities that have taken a visible place in society, regardless of their small proportion in terms of numbers (the Seto people in Estonia, Russian Old Believers in Latvia, and Tatar Muslims in Lithuania). The changes experienced by the Baltic states over the last 30 years suggest that there is a movement towards a new religious policy. This, in turn, indicates constitutional challenges, because the model of the relationship between legal rights and religion has, so far, been based on the needs of Christianity. In Estonia and Latvia, these needs were defined by the Evangelical Lutheran Church; in Lithuania—by the Roman Catholic Church. Now this relationship model is being subject to criticism: religious minorities, including (neo)pagans, have raised objections to the religious majority model by pointing out the special rights and advantages enjoyed by Christianity. Over the last several decades, attention in the Baltic states is being paid to the application of the public rights to the (neo)pagan groups requesting parity rights. It is important to note that this call for parity means the requirement to access the same rights and advantages already enjoyed by other religious minorities.

A number of existing studies have examined the (neo)paganism in the Baltic states from the perspective of the history of religions, sociology of religion, and cultural anthropology. Along with general insight into the history of the traditional religions of the Baltic nations (Biezais 1972), (Puhvel 1974), (Jones and Pennick 1995), studies on varying forms of (neo)paganism, the history of different (neo)pagan groups, and the aspects of their activities have been conducted. In Estonia, (neo)paganism has been analysed as a native or ethnic religion phenomenon (Plaat 2002) and as a factor for strengthening the national identity (Kuutma 2005). Scholars have paid special attention to the Maausulised movements (Viïres 1991), which are the most popular (neo)pagan groups in Estonia. In Latvia, there have been numerous studies conducted to investigate Dievturi. The historical emergence of the Dievturi movement has been explained in the context of the national romanticism (Biezais 1992), and the linkage of its members with the ideology of
nationalism (Misâne 2000) and cooperation with the radical right group Thunder Cross (Stasulane 2013) have been analysed. Latvian researchers have analysed the conditions that have determined the reconstruction of the indigenous Latvian religious tradition in the early 20th century, how its form changed in the late 20th century, and the types of new features it has acquired nowadays (Ozolins 2013), (Stasulane and Ozolins 2017), (Stasulane 2019). In Lithuania, the leading (neo)pagan group Romuva has been the subject of research repeatedly over the last several decades. Previous studies have explained the genesis of the ancient Baltic sacred site Romuva (Vaitkevičius 2003), the group’s principal beliefs and practices (Pranskevičute 2013), and its organisational functioning (Ramanauskaitė and Vaišnys 2013). Broad assumptions have been made regarding the influence of (neo)paganism on (neo)shamanism (Aleknaitė 2017).

Insight into the protection of religious freedom regarding (neo)pagans can be gained from publications presenting a general characteristic of the relationship between the state and religion in the Baltic states (Ringvee 2008), (Ringvee 2020), (Vakker and Rohtmets 2008), (Balodis 2013), (Kiviorg 2014). From a sociological perspective, an analysis of how the religious freedom of religious minorities has been implemented in the Baltic states since 1990 has been provided (Krumina-Konkova 2004), (Ališauskiene 2011). The (neo)pagan endeavours to gain the same legal status as that provided to the Christian denominations have not received systematic academic attention.

This paper introduces a debate about the challenges regarding the protection of (neo)pagans’ religious freedom in contemporary Latvia, Lithuania, and Estonia. It starts with insights into the theoretical considerations and constitutional guarantees of the religious freedom in the Baltic countries and shows the dynamics of (neo)pagans’ attempts to gain a stable place among other religious organisations. It is reported that the legal systems of the Baltic states are facing the dilemma of modern constitutional democracies: how to observe the principle of equality without infringing on the entitlement to rights.

The qualitative comparative analysis used is a methodological tool that helps to explain changes in particular contexts and settings (Marx and Soares 2016), (Ragin 1998). The comparison of the legal and social aspects of (neo)pagan activities in the three Baltic states takes into account that, firstly, change is determined by a combination of factors rather than by a single factor; secondly, combinations of different factors can lead to similar changes. In order to understand the current challenges of protecting the religious freedom of (neo)pagans, the historical context, the legal status established by constitutions and other documents, and the determination of (neo)pagan activities have been taken into account.

2. Religious Freedom: Some Theoretical Considerations

The principle of religious freedom evolved over a long historical process until it became the moral standard of Western civilisation today. The concept of the freedom of religion was first included in the human rights declarations promulgated during the Enlightenment, and in the 18th and 19th centuries, it started to be incorporated into national constitutions. Religious freedom as a component of human rights entered the global arena after 1948, when the UN General Assembly adopted the Universal Declaration of Human Rights. It has become the basis for the implementation of freedom of religion in Europe, driven forward by the European Convention on Human Rights adopted by the Council of Europe member states (European Court of Human Rights 1950). Concerned by the limited progress made in eliminating intolerance and discrimination, the UN General Assembly adopted the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief in 1981 (United Nations 1981). The European Union accepted these principles, and they became principles of EU law. The hallmark of a modern democratic state is the plurality of religious and non-religious beliefs, recognising the right of a person to accept, question, and reject religion.

Religious freedom has been the subject of political, legal, media, and academia discourse so often that a theoretical insight might seem unnecessary. However, it should be noted that even those terms that we consider self-explanatory at the lexical level are
problematic. Religious freedom is a problematic concept because opinions differ on how religion should be defined (Cross 2015, pp. 2–3) and what freedoms should apply to religion. Unlike other freedoms, such as freedom of speech, in the case of religion, the state as a normative system interacts with another normative system—religion—which provides a value system for all aspects of life. While it is generally accepted that freedom of religion is a fundamental right, there is little consensus on its content or scope. Therefore, religious freedom is quite complicated to interpret and defend. Because of the growing religious pluralism, it is a topical issue of human rights requiring theoretically grounded and workable solutions. In recent decades, important studies have been produced to explore religious freedom (Alicino 2023), (Bhuiyan and Black 2022), (Schanda 2014), (Shah and Friedman 2018), (Uitz 2007). Without pretending to provide a systematic overview, we shall limit ourselves to some theoretical considerations.

Religious freedom as a legal political term includes a number of individual rights: (1) the right to believe is an individual matter of a person; (2) society may not suppress a person’s freedom of conscience; (3) a person may not disturb other members of society and harm the state by his or her beliefs (Bhuiyan and Zoethout 2023, p. 5). As we can see, there is a fundamental distinction between forum internum and forum externum, i.e., between the inner convictions and the freedom to express one’s religion in the public space (Gunner 2023, pp. 89, 92). Thus, the right to religious freedom regulates the relationship between the individual and society, which means that religious freedom has both an individual and a collective aspect. The historical development of the right to freedom of religion and its incorporation into international religious instruments reflects a shift from group protection to the recognition of individual rights, in other words, from the protection of beliefs to the protection of believers. Today, however, researchers are beginning to see an opposite process: “While the current protection of religious freedom under international law is based on individual rights, a growing trend will be seen, reflected in proposed international documents and some regional documents towards recognition of group rights” (Scolnicov 2010, p. 9). In legal practice, there is a distinction between the two aspects of freedom of religion (the freedom of the individual and the freedom of the religious organisation as a legal person) (Balodis 2014).

An analysis of contemporary constitutional law shows that different understandings of religious freedom exist, and different legal mechanisms have been proposed to strengthen it (Cross 2015). “A number of states in the world have introduced special requirements for a religious organization to be legally recognized. This can easily become a means of government control. There may be different reasons why a group is not recognized or wants to receive formal recognition. But the individual’s freedom of religion or belief should not depend on whether a group obtains legal status” (Gunner 2023, p. 86). There are also differences between Western and Eastern European countries. While the democratic countries developed and consolidated the concept of religious freedom, the communist countries suppressed all forms of freedom, including religious freedom. Although communists declared freedom of religion in words, in practice, atheism was propagated, and people were persecuted for their religious beliefs. The consequences of this system are still reflected in the legal consciousness of the peoples of Eastern Europe.


Although the Baltic states are perceived as a single social and political space, in reality, there are differences between Latvia, Lithuania, and Estonia which also manifest themselves in the religious landscape. According to the annual reports of the Ministry of Justice, among Latvia’s 1.9 million population, the largest religious communities are formed by Lutherans (37%), Roman Catholics (18%), and Orthodox believers (13%) (Tieslietu 2022). According to the population and housing census, of Lithuania’s 2.85 million population, 74.2% are Roman Catholics, 3.8% are Orthodox, and 1% belong to other religious communities (Statistics Lithuania 2021). According to the Estonian population poll data, out of their 1.2 million population, only 29% consider themselves religiously affiliated. Of those, 8% are Lutherans,
16% belong to the Estonian Orthodox Church of the Moscow Patriarchate, and the Estonian Apostolic Orthodox Church (Statistics Estonia 2022).

Religious freedom has been enshrined in the constitutions of the three Baltic states: in Lithuania (Articles 18, 20, 27–31 and 38) since 1938, in Estonia (Articles 2 and 77) since 1996, and in Latvia (Article 99) since 1998. The differences in their religious backgrounds have affected the religious policies in the Baltic states and the practical compliance with the principle of religious freedom. At the same time, the constitutions of all three Baltic states do secure the rights of an individual to believe, recognise, and practise religion by taking into account the UN Universal Declaration of Human Rights. The legal provisions of modern religious freedom have been strengthened on the basis of Article 9 “Freedom of thought, conscience and religion” of the European Convention of Human Rights (European Court of Human Rights 1950). This means that everyone has the right to manifest any religion, carry out religious observance, change one’s religion, not to accept any religion, promote one’s own religion, promote atheism, engage in charity and other social activities, receive religious education, be equal before the law irrespective of one’s belief, and receive religious care (in prison, during military service, in a hospital, etc.).

The Estonian Constitution (Article 40) guarantees the freedom of religion and belief and stipulates that there is no state church in Estonia (The Constitution of the Republic of Estonia 1992). According to the Churches and Congregations Act (Churches), religious communities may gain the status of a legal entity, which guarantees religious autonomy to registered religious communities and grants certain privileges, for example, certain tax exemptions and privileges to perform marriages with civil validity. In Estonia, cooperation between the state and religious communities is implemented with the intermediation of the Estonian Council of Churches. This Council was established (1989) as an ecumenical organisation of Christian denominations, and it unites the Estonian Evangelical Lutheran Church, the Estonian Apostolic Orthodox Church, the Estonian Orthodox Church of the Moscow Patriarchate, the Roman Catholic Church, the United Methodist Church in Estonia, the Estonian Christian Pentecostal Church, the Union of Evangelical Christian and Baptist Churches of Estonia, the Estonian Conference of the Seventh-day Adventist Church, the Charismatic Episcopal Church of Estonia, and the Estonian Congregation of St. Gregory of the Armenian Apostolic Church. Since 1992, the Estonian Council of Churches has received annual financing from the central government budget, and it is the only religious organisation receiving financial support from the state. Religious communities may operate without the status of a legal entity in Estonia.

Latvian Constitution (Article 99) declares that everyone has the right to freedom of thought, conscience, and religion, emphasising that the church shall be separate from the state (Satversmes 1922). According to the Law on Religious Organisations (Article 8), religious organisations should be registered in the Register of Religious Organisations. Prior to the registration of a religious organisation, a statement has to be received from the Ministry of Justice about the aims of the activities shown in the religious organisation’s statutes or regulations and the conformity of its mission to normative acts and whether the activities, teaching of the religious organisation are not such as to endanger people’s rights, the state’s democratic structure, public safety, welfare, and morality (Saeima 1995). Among the religious organisations registered in Latvia, a special legal status has been granted to the eight religious communities mentioned in the Civil Law (Article 51): the Evangelical Lutheran Church, Roman Catholic Church, Latvian Orthodox Church, Old Believers, Methodists, Baptists, Seventh Day Adventists, and believers in Moses (Jews) (Ministru 1937). These religious communities listed in the Civil Law adopted in 1937 enjoy certain privileges, for example, they have the right to teach religious practices at school and privileges to perform marriages with civil validity.

The Lithuanian Constitution states (Constitution of the Republic of Lithuania 1992) that there shall be no state religion (Article 43) and stipulates that religion shall not be restricted and that everyone has the right to freely choose any religion or belief, to profess his or her religion, to perform religious practices, and to practice and teach his or
her belief (Article 26) (Constitution). According to Lithuanian law, religious beliefs do not excuse non-compliance with the law, and instigation to religious hatred, violence, or discrimination is unacceptable. Nevertheless, the Constitution does impose certain restrictions on the freedom to profess and disseminate religious beliefs if that is necessary to protect the health, security, public order, or other fundamental rights and freedoms of other people. The Lithuanian Constitution recognises the churches and religious organisations that are traditional in Lithuania (Article 43). The Law on Religious Communities and Associations (Republic of Lithuania 1995) recognises the members of nine communities as belonging to traditional religious associations in Lithuania: Roman Catholics, Greek Catholics, Russian Orthodox, Old Believers, Evangelical Lutherans, Evangelical Reformed, Jews, Sunni Muslims (Tatars), and Karaites. Other churches and religious organisations shall be recognised provided that their teachings and practices are not in conflict with the law and public morals. The above-mentioned traditional religious associations have the right to conduct marriages recognised by the state, teach religion in public schools, and receive annual subsidies from the central government budget. Other religious organisations may request the state’s recognition if they have had a legal entity status for at least 25 years. If the Ministry of Justice recommends recognition of a religious organisation status, it must pass the vote by the Lithuanian Parliament. The only state-recognised non-traditional religious associations in Lithuania are: the Evangelical Baptist Union of Lithuania, the Seventh-day Adventist Church, the Pentecostal Evangelical Belief Christian Union, and the New Apostolic Church of Lithuania.

After the Baltic states restored their independence, they renewed their international agreements (Concordat) with the Vatican. The Concordat established the legal status of the Roman Catholic Church in Estonia, Latvia, and Lithuania. As such, in addition to being a bilateral agreement between the state and the Holy See, it is also a domestic legal act governing the relationship between the state and a religious organisation, and it has raised discussions about the relationships of other religious communities with the state power. The discussion ended with a different result in each Baltic state. Latvia adopted separate new legal acts pertaining to the legal status of other religious organisations in Latvia, and agreements between the Republic of Latvia and seven “traditional denominations” were signed: the Evangelical Lutheran Church, Latvian Orthodox Church, Union of Baptist Churches in Latvia, Central Council of the Pomorian Old Orthodox Church of Latvia, Latvia United Methodist Church, Conference of the Seventh Day Adventist Churches in Latvia, and the Riga Jewish Religious Community. Other religious organisations in Lithuania also wanted to strengthen their positions in Lithuania’s legal system by coming to the same agreement with the state as the one signed with the Roman Catholic Church. Discussions about a special legal status for one religious organisation in Lithuania came to the conclusion that it is impossible to sign international agreements with other religious organisations.

In Latvia’s and Lithuania’s case, the religious policy was determined by distinguishing between the “traditional” religious organisations and other religious communities. This raises discussions as to the practical consequences of this division and how it affects compliance with the principle of religious freedom. The discussions in Lithuania became heated when the request to grant the status of a state-recognised religious organisation to the United Methodist Church and (neo)pagan group “Romuva” was denied (2001). However, after a year, this status was granted to the Association of Evangelical Baptist Churches (2002) and the Seventh Day Adventist Church (2008). The Community of Latvian Dievturi is registered as a religious organisation, and it reports annually on its operation to the Ministry of Justice. In Estonia, religious organisations are registered in accordance with the Churches and Congregations Act, and they gain legal capacity after they have been included in the Register of Religious Associations.
4. Historical Context and the Current Problems with the Legal Status of (Neo)pagans

In the Baltics, (neo)pagan groups appeared after World War I, when the search for a new identity, including a religious identity, intensified. This search had started already in mid-19th century along with the emergence of the national awakening movements. After the abolishment of serfdom in the Baltic governorates (1816–1819), inspired by the ideas of romanticism, the first intellectuals of Estonian descent became interested in Estonian national deities. The most influential attempt to reconstruct the system of the Estonian traditional religion was the mythological essays presented by the Estonian intellectual Friedrich Robert Faehlmann (1798–1850) to the Learned Estonian Society (Lukas 2011), mentioning Taara as the main god among other gods. The poet Friedrich Reinhold Kreutzwald (1803–1882) took over this pantheon when creating the Estonian national epic “Kalevipoeg” (1862). Thus, “these invented gods and deities were accepted by the emergent nationalist movement as symbols of national mythology” (Västrik 2015, p. 133). After the foundation of the Republic of Estonia (1918), the national narrative started to idealise the ancient times by criticising Christianity as the religion of the German Crusaders. Christianity was excluded from the national narrative, as it was interpreted as a religion imposed on the Estonians using “fire and sword”. In the 1920s, intellectuals developed the principles of the Estonian ethnic religion Taara usk<sup>5</sup>, and this group was registered as a religious organisation (1931). When the USSR occupied Estonia (1940), its operation was prohibited. In the 1980s, with the Soviet regime collapsing and the start of the Estonian national awakening, a search for new forms of (neo)paganism resumed. The Estonian (neo)pagan movements registered as a single organisation “The House of Taara and Native Religions” (hereinafter—HTNR) (1995), known by the shorter name Maavalla Koda (Maavalla Koda 2023). It represents two main branches of the Estonian (neo)pagans: the Taaralased movement (based on pre-war Taara usk traditions) and the Maausulised movement (rooted in the folklore movement of the Soviet period) (Västrik 2015, pp. 140–42).

According to Ringvee, in 1995, the HTNR faced no resistance in the course of legally registering the (neo)pagan organisation, as the Minister of the Interior, who was then responsible for religious affairs, was a public supporter of strengthening the Estonian native religion (as cited in Västrik 2015, p. 141). The subsequent Churches and Congregations Act (2002) outlined the general rules with regard to religious associations, and the law provided the legal definitions of four types of religious association: “church”, “congregation”, “association of congregations”, and “monastery”. Amendments to the law stated that, as of 2004, religious organisations had to register or re-register with the Register of Religious Associations. The HTNR had to re-register according to the new rules and include the name of one of the previously mentioned types of religious associations in their official name. The Estonian (neo)pagans considered this requirement as an infringement of their religious freedom and applied to the law enforcement institutions with a request to be allowed to use their historical name. The request was satisfied, and the law was amended, allowing religious organisations to re-register with their historical names (Västrik 2015, pp. 140–42). Nowadays, the dominant group among the Estonian (neo)pagans is the Maausulised movement (Ringvee 2015, p. 490). Its members have conceptualised Maausk as the Estonian native or indigenous religion, which does not require a formal affiliation or formalised organisation. It is important to practise this religion in the family, while the established organisation serves to represent the movement’s values and cooperate with public institutions.

Although the movement does not try to actively mobilise its members in order to strengthen its legal status, it monitors compliance with the equality principle and the constitutionally declared religious freedom. In 2001, the HTNR claimed infringement of the equality principle<sup>6</sup> when it was planned to introduce compulsory religious education in the state schools of Estonia. The drafted educational programme was criticised as overly oriented towards Christianity, i.e., (neo)pagans saw the proposed programme as an instrument for the indoctrination of Christianity. The law enforcement institutions
recognised that religion may be introduced in state schools only if the state guaranteed a
balanced representation of all religions in the programme contents (Ringvee 2008, p. 189).

Estonia has implemented the state programme “Preservation and Development of
Churches” (2004–2013). Based on the equality principle, (neo)pagans were able to secure
legislative amendments, enabling the registration and research of natural sacred sites. Thus,
the national project “Sacred Natural Sites in Estonia: Study and Maintenance” (2008–2012)
was implemented. It included a set of measures to ensure the protection of groves and
other natural sacred objects. The project was implemented through the joint effort of
archaeologists, ethnographers, and representatives of the HTNR.

Like in Estonia, the idea of reconstructing the Latvian traditional religion in Latvia also
dates back to the mid-19th century when the representatives of the national romanticism
created the first ancient Latvian deities’ pantheon (Alunāns 1858). Nevertheless, the
activities of the national romantics did not result in the rebirth of (neo)paganism in Latvia.
Its history in Latvia began after the proclamation of the Republic of Latvia (1918). The
emergence of a (neo)pagan group in the 1920s was determined by the attempts to create
an alternative to Christianity. It was facilitated by two important factors: first, the Latvian
Evangelical Lutheran Church was against the 1905 revolution. As a result, the Lutheran
pastors became national enemies, and Christianity was looked upon as a religion imposed
on Latvians using “fire and sword”. This explains why (neo)paganism was an unknown
phenomenon in Latgale, Latvian territory dominated by Catholicism.

In order to prepare the theoretical foundation for the group’s establishment, in 1925, a
brochure entitled Revival of Latvian Dievturi Religion: Narrow Description of History, Wisdom
and the Way of Exaltation (Brastinš and Bregžis 1925) was published, and in 1926, the
first (neo)pagan group in Latvia, Community of Latvian Dievturi, was registered. Soon
after, the group was ripped by disagreement: some did not believe that Dievturi could
become the religion of the whole Latvian nation, thought that the ancient religion should be
practised in the family and small communities, and consistently objected against Dievturi
becoming involved in politics. The other part of the group, headed by artist Ernests Brastinš
(1892–1942), attempted to implement extensive social and cultural changes. In order to
do so, Brastinš and his associates sought allies in politics and came into contact with the
organisation Thunder Cross popularising the ideology of Latvian nationalism (Stasulane
2013). After the official annexation of Latvia by the Soviet Union on 5 August 1940, all
associations, including the Community of Latvian Dievturi, were closed.

The Soviet power did not consider Dievturi worthy political opponents; therefore,
they merely sentenced the group’s leader to death. Persecution and repressions against
Dievturi after World War II can be characterised as a violent imposing of the communist
ideology, a requirement to praise the Soviet power, and oppression of the freedom of speech.
Dievturi were also among the refugees of World War II, and they ended up in various
countries. In the 1960s, Dievturi resumed operation in Germany, the United Kingdom, the
USA, Canada, and Australia. In 1979, near Tomah in Wisconsin (USA), God’s Yard was
built, which is the headquarters of Dievturi outside Latvia.

The Dievturi movement gradually resumed operation in Latvia only at the end of the
1980s, based on a folklore movement. Sometimes folklore groups were formally counted as
part of Dievturi, although only a few of their participants had any interest in the religious
aspects of “God keeping”. The Community of Latvian Dievturi was officially registered as
a religious organisation in 1990. An important impulse for the rebirth of (neo)paganism
was the return of the exiled Dievturi to Latvia. Several regained their property nationalised
after World War II and established small Dievturi groups. Their financial support to own
groups and also schools, providing funding to celebrate Latvian traditional festivities,
was substantial.

Not everyone could accept the fact that the returned exiled Dievturi wanted to lead
and impose their opinion on the local Dievturi. Because of this reason, many leaders and
members of prominent folklore groups refused cooperation with Dievturi. Folklore groups
found the religious aspect highlighted by the exiled Dievturi unacceptable, as well as
their statement that they are the only ones who truly understand the traditional Latvian culture. Many people who became involved in the Dievturi movement at the end of the 1980s turned away from it (Ozoliņš 2009). At the beginning of the 21st century, there were 16 (neo)pagan groups in Latvia, of which most were united by the Community of Latvian Dievturi (Celms 2011), whereas some operated independently and were not registered. Currently, Dievturi represent quite a broad and versatile spectrum of opinions; therefore, we cannot speak about (neo)paganism as a universal representation of the Latvian religious experience and lifestyle.

With their proposal of a Latvian national religion, Dievturi were part of the nationalism policy in Europe in the first half of the 20th century. Also, nowadays, expressing tolerance towards the cultural values of all nations, Dievturi highlight the concept of Latvianness. All activities (rituals, cultural and historical excursions, the clean-up of sacral places, folklore events, press publications, mass media interviews, thematic summer camps, and the celebration of Latvian national festivities and most important remembrance days) are aimed at strengthening the ethnic identity.

The special legal status granted to the eight religious communities referred to in the Civil Law (Article 51) cause regular discussions as to whether an equal attitude is granted to all religions in Latvia, which is an indispensable component of religious freedom. The same question also applies to the rights to teach religion in public schools. The Law on Religious Organisations (Article 6) states that anyone has the right to acquire religious teachings in educational establishments. “The Christian religious instruction shall be taught according to a teaching programme approved by the Ministry of Education and Science by teachers from the Evangelical Lutheran, Roman Catholic, Orthodox, Old Believer, and Baptist denominations if there are at least 10 pupils in a school wishing to acquire the teachings of the relevant Christian denomination” (Saeima 1995). At the same time, the religious teachings characteristic of an ethnic minority may be taught at the schools of that minority. As Dievturi are not mentioned among the eight religious communities referred to in the Civil Law, and they do not represent an ethnic minority in Latvia, this gives ground to the objections regarding how the constitutionally declared religious freedom is implemented in Latvia. Those who do not wish to learn Christianity teachings can choose learning ethics instead. These studies are financed from the central government budget. Other religious organisations, including Dievturi, have not raised any objections to the issue of financing, although, according to Latvia’s leading public policy think tank Providus (Koval evska 2002), it is contradictory to Article 99 of the Constitution: “The Church shall be separate from the State” (Satversmes 1922). As Dievturi have no right to teach their religious teachings at school, in 2002, the Dievturi group “Austra” filed a constitutional complaint challenging the compliance of the Law on Religious Organisations with the Constitution. Dievturi highlighted the issue of the compliance with the equality principle and the entitlement to rights, believing that advantages have been created in Latvia for the Christian population, while the rights of (neo)pagans are infringed. They saw discrimination against Dievturi religious organisations in the challenged provisions of the Law. In response to the Dievturi objections, the Parliament of the Republic of Latvia pointed out that the legal provisions did not restrict Dievturi rights to form educational establishments and preach their religious beliefs there. The Parliament did not agree that there was an infringement of Article 99, as the challenged provisions outlined the cases when a person could learn Christian teachings at public schools and explained that the different attitude towards various religious organisations was not contradictory to the Constitution as there were objective and reasonable grounds for that attitude. When reviewing the Dievturi complaint, the Constitutional Court ruled that the Law on Religious Organisations provided the rights of students to learn Christian religious teachings at public schools, i.e., the challenged provision provides for the rights of natural persons (students), while it does not provide any rights to religious organisations. Hence, it cannot be an infringement of the complainer’s rights to religious freedom and cannot put the complainer into an unequal position compared to Christian religious organisations. The
Constitutional Court explained that only the parents or guardians of students may contest this law provision if they believe that it affects the rights of their children to learn their religious teachings in public schools (Latvijas 2002).

Recently, several couples applied to the Ombudsman of the Republic of Latvia with a request to end discrimination against Dievturi and allow them officially register marriages, similar to the eight religious communities referred to in the Civil Law (Article 51). The Legal Affairs Committee of the Parliament supported the proposal of the National Alliance regarding Dievturi rights to conduct marriages and prepared amendments to the Civil Law. Considering this, at the time of preparing this paper, the amendments to the Civil Law had been supported in the second reading, and it can be expected that Dievturi will be granted the rights to conduct marriages within their communities in 2023. The Ministry of Justice has no information on how many couples have been married according to Dievturi traditions before or after official marriage registration with the Civil Registry. Explaining why it is so important for them to marry according to Dievturi traditions, one of the couples mentioned the following reasons: “First, we want to honour our ancestors and their customs. Of course, we understand that this ceremony would not be fully authentic to that observed during the times of our ancestors, but it is still important to us, regardless of the modern way of life and global development, to honour our roots and cherish and protect the surviving customs. Second, we believe that it would have a greater spiritual value, as the ceremony would be conducted by a person with whom we share beliefs and folk wisdom. Third, we believe that this way of marrying provides greater intimacy and harmony with the nature and everything living. Fourth, it would be a way of supporting Dievturi and this community, as it is an organisation that has done a lot to preserve the folk wisdom of the Balts” (Austoša 2023).

In the public space, none of the organisations, including the religious communities, which already had the rights to register marriages, have expressed objections to granting the rights to register marriages to Dievturi. The representative of the Roman Catholic Church explained: “The Catholic Church in Latvia observes the rights of every individual and religious organisation to shape their religious lives and govern the relationships with the state, and the Roman Catholic Church in Latvia, on its behalf, supports the rights of every individual to the freedom of religious conscience and consciousness” (Brikmane and Kaukule 2023). Formerly, the most active combatants of (neo)pagans, the representatives of Latvia’s Evangelical Lutheran Church, who previously vividly objected to the recognition of the first (neo)pagan group established in Latvia as a religious organisation, have also become more moderate. Now, they merely invite one to think about the consequences that could be caused by amendments to the Civil Law: “Similar rights, possibly, could also be requested by other religious organisations, and [we would suggest] that the substantiation for this proposal does not apply the concept of Latvia’s national religion to Dievturi religion, which it is certainly not” (Brikmane and Kaukule 2023).

Estonian and Latvian (neo)pagan discourse characterises the entrance of Christianity in the 13th century as baptising with “fire and sword”, as Christianity established itself in Medieval Livonia in the presence of the Knights of the Sword. Regardless of the critical attitude towards Christianity, Lithuanian (neo)pagans do not use an analogous discourse, because Christianity came to Lithuania when its ruler Mindaugas accepted Christianity (1251), while the people continued practising the Lithuanian traditional religion for a long time thereafter (Jones and Pennick 1995, pp. 171–73). Thus, the Lithuanian (neo)pagan discourse of today is centred around a reference to history: in Europe, Lithuanians were the last to accept Christianity (1387). Therefore, the traditional religion was practised the longest in Lithuania, and Lithuanian (neo)paganism is the most authentic.

The national awakening of the 19th century, which facilitated the research of national traditions and the collection of folklore materials, idealised the traditional religion and created pre-conditions for the emergence of a (neo)pagan movement. Unlike in Estonia and Latvia, the emergence of Lithuanian (neo)paganism was affected by theosophical ideas incorporated in his religious philosophy by the Lithuanian intellectual Vydunas.
(Vilhelmas Storostas, 1868–1953). As is customary with theosophers,\textsuperscript{11} he believed in the evolution of religions where one religion replaces another and continued with the idealisation of the traditional religion of national romanticists, especially singling out the Prussian Lithuanians (Bagdonavicius 2000, p. 64). Vyduunas tried to find synthesis among philosophy, religion, and science. After becoming acquainted with the scriptures of Hinduism, he was inclined to see substantial unity in everything. Under the impact of his ideas, the newly established religious and philosophical system before World War II was named Visuomybė.\textsuperscript{12} Referencing to the Medieval tales about Romuva as a place in Eastern Prussia\textsuperscript{13} where the main sanctuary of the Baltic tribes was allegedly situated, the Visuomybė movement established their own sanctuary in northwest Lithuania and named it Romuva. Although Visuomybė did not try to reconstruct the Lithuanian traditional religion, the (neo)pagans consider it the predecessor of their movement. After Lithuania’s occupation (1940), Visuomybė was prohibited, and its members were subjected to the Soviet regime’s repressions.

During the Soviet regime, alternative culture groups in Lithuania started to appear at the end of the 1960s. Folklorist Jonas Trinkunas (1939–2014) established an ethnic cultural group Ramuva\textsuperscript{14} (1967). Thanks to its operation, celebration of the Summer Solstice resumed in Lithuania. The Soviet power tried to limit the operation of the ethnic cultural group and submitted it to oppression (1971). Although it was prohibited for Trinkunas to work at the university, he meticulously collected ethnographic data in Lithuania for more than 20 years. The ethnic culture group resumed operation shortly before the fall of the Soviet regime (1988), and, after Lithuania regained independence, the group was officially registered as Romuva (1992), thus referencing the sanctuary of the ancient Baltic tribes. Nowadays, more than 30 Romuva groups are operating in Lithuania (Pranskevičiūtė 2013, p. 79), and they are characterised by a strong hierarchical system, as the founder of Romuva Trinkunas\textsuperscript{15} was ordained the supreme priest of the old Baltic faith community (2002). As the Lithuanian (neo)pagans believe that they have restored the institution of the krivis\textsuperscript{16} (Pranskevičiūtė 2013, p. 79), they have laid claim to be the leaders of Baltic (neo)paganism.

After the Law on Religious Communities and Associations was adopted in Lithuania, Romuva was recognised a “non-traditional” religion (1995). As the Lithuanian legal acts provide that a religious organisation can be granted the status of a state-recognised religion after 25 years of operation, Lithuanian (neo)pagans have spent years obtaining this status. In 2017, the Lithuanian Parliament received Romuva’s application to receive the status of a state-recognised religion. In addition to the rights to conduct religious services and engage in educational and charitable activities, it also provides the rights to provide religious education in schools, to perform religious marriages with legal effect, and to have their religious services broadcast.

The decision on the recognition of any religious community is made by the Parliament, based on the conclusion provided by the Ministry of Justice. The Ministry of Justice concluded that Romuva met the criteria for state recognition: it had been operating in Lithuania for more than 25 years, its teachings did not violate the law or public morals, and it had sufficient public support. The Parliament made a decision on Romuva recognition by taking a vote (2019): 40 MPs voted in favour, 31 voted against, and 15 abstained; hence, Romuva’s application was rejected (Moreno 2019). As explained by a Lithuanian researcher, “recognition as a ‘traditional religion’ was rejected by the authorities, who argued that uninterrupted continuity with the pre-Christian religion could not be proven” (Pranskevičiūtė 2022). The group’s leader described the Romuvans’ attitude towards the Parliament’s decision: “We regret the fact it happened so as we meet all legal requirements for religious communities to be granted state recognition, and we believe the Seimas [Parliament] is violating human rights by voting this way. It would have been the recognition of our ancestors’ religion, which is still followed today and came into being on this land. We call it natural belief. I think it’s a matter of honour and dignity for every Lithuanian to back this religion. Unfortunately, many lawmakers do not realize that” (BNS 2019).
Romuva applied to the European Court of Human Rights, challenging the Parliament’s decision as discrimination, as the (neo)pagan group had been treated differently from other religious associations that had been granted state recognition. Trinkūniene explained that the claim submitted to the court was not aimed at gaining material benefits or a compensation for the infringement of the rights of the members of the religious community, but a favourable decision of the ECHR could serve as an incentive for the politicians to change the legal acts and allow all religions to be treated as equal according to the law in Lithuania (LETA 2021).

The European Court of Human Rights did not see any reason to question the conclusion reached by the Ministry of Justice that the Romuva met the legal requirement for being granted state recognition. The Court recognised that the Lithuanian public institutions had failed to provide a grounded and objective explanation as to why Romuva was treated differently from other religious communities that had faced a similar situation. The European Court of Human Rights ruled that Lithuania had infringed on the Convention’s Articles on the freedom of thought, conscience, and religion, as well as on prohibition of discrimination and the rights to a fair examination of a case and adequate defence (European Court of Human Rights 2021).

After the European Court of Human Rights passed its decision, the Parliament took another vote. Although in her open letter, Trinkūniene asked to sincerely respect the human rights to freedom of thought, conscience, and religion (Moreno 2022), 34 MPs voted in favour, 18 abstained from voting and 19 voted against, and Romuva’s application was rejected. After the second rejection, Romuva appealed to the Committee of Ministers of the Council of Europe with a request to start enhanced supervision of the implementation of the decision of the European Court of Human Rights. Although, currently, society’s attention is focussed on the war in Ukraine, the debate concerning Romuva’s recognition is still ongoing.

5. Discussion

The historical formation of (neo)pagan groups and their attempts to gain a stable place among other religious organisations illustrate the complex relationship between democracy and religious freedom in the Baltic states. Although (neo)pagan groups in Estonia, Latvia, and Lithuania have taken different approaches to addressing their relationships with the state, and the attitude of the dominant religion, Christianity, towards (neo) pagans also differs, the issue of observing the equality principle and entitlement to rights is common. The constitutional provisions of the Baltic states stipulate that the state is secular, yet the legal models of the relationships between the states and religion were shaped in the hegemonic presence of the Roman Catholic Church (in Lithuania’s case), Evangelical Lutheran Church, and some other Christian denominations (in Estonia’s and Latvia’s case). These are religious organisations characterised by a strictly hierarchical structure, enjoying organised relationships with the state, without having to face any social inclusion problems. (Neo)paganism, in turn, does not have a monolithic structure, and the organisational level of its hierarchy differs considerably across the Baltic states. Lithuanian (neo)pagans have achieved a certain hierarchy of the movement, which is consolidated around the leader of Romuva (Pranskevičiūtė 2013), while in Latvia, the consolidation process has just started and is proceeding rather slowly in the absence of a central figure who could steer the process. The groups comprised in the Community of Latvian Dievturi have established a network of groups, but each of them has its own leader, and consolidation around a single figure is incomplete (Stasulāne and Ozolins 2017). At the same time, the structure of (neo)paganism in Estonia is much more fluid (Ringvee 2015).

With the end of the Cold War, the strict anti-religious secularism in Central and Eastern Europe disappeared (Bubik et al. 2020), and a revival of religious thought and flourishing of religious groups began (Barker 1997). In the 1990s, the rebirth of religiosity in the Baltic states led to a historically unprecedented diversity of religions. As the restored democracies had to face new social realities and manage religious diversity, religion became part of the
social policy discussions. In the circumstances of pressing economic problems, politicians did not try to find a new understanding of religion and its forms, they lacked the skills to chart a new way of regulating the relationships of religious organisations with society, the state, and with each other. The Baltic states chose to adhere to the religious policy principles effective before 1940. Thus, in Latvia and Lithuania, the regulation of relationships between the state and religious organisations was characterised by reference to the concept of tradition, while in Estonia, the typology based in Christian concepts was used (church, congregation, association of congregations, and monastery). This created problems both in relations between the state and religious organisations and among different religious movements, as many religious groups felt socially isolated, including (neo)pagans.

In the case of religion, social inclusion refers to the processes, structures, and policies defined by the state to facilitate the concerted action of religious groups to achieve common social goals. The need for social inclusion of religious organisations is not questioned in the Baltic states, but it is implemented differently in each of the states. In Estonia, the social inclusion of (neo)pagans is practical, for example, through the research and preservation of natural sacred sites. In Latvia, the social inclusion of (neo)pagans is guaranteed by the new Preamble to the Constitution adopted by the Parliament in 2014. It entails specific state obligations that must be implemented through certain state policies (Balodis 2014), including religious policies. The Preamble declares that the Latvian identity has been shaped by dzīveszīna, the Latvian folk wisdom (in the official translation of the Constitution) and Christian values (Constitutional Assembly 2014). The translation of dzīveszīna as the Latvian folk wisdom does not allow us to understand that this term can be applied to the traditional religion. Now, in their quest for the right to marry, Dievturi and politicians supporting them refer primarily to the Preamble (Brikmane and Kaukule 2023). Although (neo)pagan social inclusion in Lithuania is not defined in legally binding documents, it is realised in Lithuanian festive culture, i.e., the celebration of traditional national festivals that have lost their religious significance. Although only (neo)pagans see the religious significance of the festivals, the celebration contributes to their social inclusion. It should be noted that in Estonia and Latvia, the social inclusion of (neo)pagans is also achieved through the celebration of traditional folk festivals.

Studies providing theoretical insights into the problems of religious diversity and social inclusion (Beaman 2023), (Ezzy et al. 2023) argue that, in a religiously plural environment, both legally binding laws and the everyday interactions of people belonging to different religions play an important role. Moreover, it is emphasised that it is the interaction in everyday life that is primary. Applying this statement to (neo)pagans, we can assume that the success of the social inclusion of Baltic (neo)pagans depends on their relationships with other members of society. Nowadays, they are exceptionally good because (neo)pagans are perceived as the preservers of folk traditions. Even though (neo)pagan groups in the Baltics have not gained the same legal status as the Christian denominations and social inclusion is problematic, they have not been excluded from social life, as their activities have roots in the Latvian, Lithuanian, and Estonian traditional way of life, which is valued highly nowadays.

As a religious minority, (neo)pagans aim to achieve social inclusion by striving for an ever-greater balance between the desire to be accepted and actual social acceptance. Latvia’s example shows that this balance is largely supported by secularisation. Latvia is currently on the way to granting Dievturi the right to officially register their marriages in the same way as Christian denominations. Lithuanian Romuva, a much better organised and hierarchically structured group, has not managed to achieve this because of the dominant Roman Catholic Church (Ališauskienė 2019). The explanation for the significant differences between these countries can be found in the rapid secularisation of Latvia: while in the 2005 Eurobarometer survey, 86% of respondents identified themselves as religious (European Commission 2005), in 2021, only 46% did so (European Commission 2021). As a result of secularisation pressures, both the Evangelical Lutheran Church and the Roman Catholic Church are losing their influence on the country’s religious policy, which is why
representatives of these denominations did not oppose, for example, the issue of granting Dievturi the right to officially register their marriages in Latvia. A similar process can be observed in Estonia, which is ranked among the most secularised countries in sociological studies (Remmel and Friedenthal 2020, p. 99).

6. Conclusions

In Latvia and Lithuania, the legal treatment of (neo)pagans has become a discursive symbol of religious pluralism. In reviewing their legal status, we can conclude that with respect to (neo)paganism, the legal systems of the Baltic states are facing the dilemma of modern constitutional democracies: how to observe the principle of equality without infringing the entitlement to rights. Article 18 of the UN Universal Declaration of Human Rights prescribes that “everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance” (United Nations 1948). From this perspective, the task of a constitutional democracy is to align the individual and collective rights, and at the same time, observe the principle of equality and respect variety. The apparent contradiction between equality and variety is rooted in the nature of the constitutional democracy, whose structural versatility is shaped by the rule of law, secularity, and the protection of fundamental rights. If the principle of equality is applied in a non-authoritarian way, it should secure the rights of all people to be different. The equality ideal advocated by a democratic society includes self-determination protected from the abuse of economic, political, cultural, and religious “players” by the constitutional instrument. Ensuring the social order, however, requires restrictions on the degrees and scope of variety, guaranteeing that the rights and freedoms of others are respected.

The legal treatment of (neo)pagans represents a serious test to the legal systems of the Baltic states, which must face certain sensitive issues, like the legal recognition of marriages entered into within (neo)pagan groups, ensuring the inheritance rights of spouses within the group, the possibility to learn about (neo)pagan beliefs in educational establishments, etc. Yet the focus of everything is the issue of granting the status of a religious organisation to various (neo)pagan groups and recognising the (neo)pagan community as “traditional denomination” (Latvia), “traditional religious association” (Lithuania), and “church”, “congregation”, “association of congregations”, and “monastery” (Estonia). Due to various reasons, the legal status of (neo)pagan groups in the Baltic states vividly manifests the dilemma between the principle of equality and the entitlement to rights faced by constitutional democracies. This dilemma asks for a more serious consideration of the secularity, legality, and human rights protection of a state, which are still indispensable instruments of a functional and pluralistic Western democracy.

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Notes


2 13th century Henry’s Chronicle of Livonia mentions Taara god. Despite this deity being the object of discussions, the (neo)pagan group uses this Medieval history source as a basis (Hermann 2005).

3 Latvian compound dievturi consists of: dies—‘god’, and turēl—‘to keep’. The adherents of the movement are Dievturi—‘the keepers of god’.
In the early 1990s, politicians in Latvia used the term "traditional religion" to denote the various Christian denominations that existed in Latvia before 1940. When religious scholars objected, the term was changed to "traditional denomination", and this concept was extended to the Jewish community.

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