

THE RIGHTS OF NATIONAL AND RELIGIOUS COMMUNITIES UNDER THE CONSTITUTIONS OF INTERWAR LITHUANIA (1918–1940)

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Summary

16 February 1918 The Council of Lithuania proclaimed the act of full independence of Lithuania. However, the country managed to get a chance for freedom only after the end of the First World War (1914–1918). For Lithuania, however, the World War transformed into the War of Independence (1919–1923). The young country was confronted by new imperial geopolitical projects. The success of the struggle of the Lithuanian people and army led to the establishment of the state's independence and its gradual recognition in the international arena. Representatives of various ethnic groups that had long-lived in the country took an active part in the struggle for a free Lithuania and the development of its state institutions. Often, ethnic communities were distinguished by their belonging to different religious traditions. In this article, we aim to examine how the issue of the rights of national minorities and religious organisations was covered in the constitutions of Lithuania in the interwar period. In this research, we analyse the provisions of the entire range of relevant normative documents, namely, the provisional constitutions of 1918, 1919, 1920; the constitutions of 1922, 1928, 1938. In addition, the focus of our investigation is on the rights of ethnic and religious communities in the Klaipeda region, according to the Paris Convention and the Memel Statute of 1924, attached to it. We have also paid attention to the aspect of the draft monarchical constitution of Lithuania of 1918. Such an analysis is carried out for the first time in the framework of Ukrainian Lithuanistic studies. It is relevant both to the study of the history of the interwar Lithuania (1918–1940) and the history of the state and law of the Baltic States of the same era. This determines the relevance of our work.

Key words: interwar period, Republic of Lithuania, constitution, parliamentarism, authoritarianism, national communities, religious institutions.

DOI <https://doi.org/10.23856/6621>

1. Introduction

Since the third partition (1795) of the Republic of Both Nations, which resulted in the liquidation of the Grand Duchy of Lithuania, Lithuania experienced a long period of non-statehood. Most of the ethnic Lithuanian territories were part of the Russian Empire. During the First World War (1914–1918), the Lithuanian territory became a battlefield. Lithuania was under German occupation. In these difficult circumstances, however, the national movement aimed at restoring statehood became more active. In September 1917, the representative body of the Lithuanian people, the Tariba (Council), was established in Vilnius.

In December 1917, the Council of Lithuania, as the “sole authorised representative of the Lithuanian people”, proclaimed the restoration of the Lithuanian state with its capital in Vilnius. However, under the German occupation, Lithuanian elites were forced to establish an “eternal

and lasting alliance” with the German Empire. First of all, the union concerned the military, transport, currency and customs sectors (*Gimžauskas (sud.)*, 2006: 254).

It was only the first stage on the way to real independence. 16 February 1918 The Council of Lithuania proclaimed the act of full independence of Lithuania (*Jakubčionis*, 2015: 720–721). Despite Berlin’s negative reaction, the Lithuanian authorities continued to defend the young country’s right to real sovereignty. However, the country managed to get a chance for freedom only after the end of the First World War when Germany and its allies were defeated. For Lithuania, however, the World War transformed into the War of Independence (1919–1923). In that war, Lithuania was confronted by new imperial geopolitical projects. The success of the struggle of the Lithuanian people and army led to the establishment of the state’s independence and its gradual recognition in the international arena.

Representatives of various ethnic groups that had long-lived in the country took an active part in the struggle for a free Lithuania and the development of its state institutions. Often, ethnic communities were also distinguished by their belonging to different religious traditions. According to the 1897 national census, the largest national community, after Lithuanians (who accounted for 61.6%, Žemaitis, an ethnographic group of the Lithuanian people, were designated as a separate nationality) in the territories of the then Vilnius, Kovno and partially Suwalki provinces, were Jews (13%). Poles made up 9.7% of the population, and Belarusians 4.7%. Germans accounted for more than 4% (*Petryk*, 2020: 206).

The military events of 1914–1923 changed Lithuania’s ethnic composition. Within the sovereign Republic of Lithuania, according to the 1923 census, the share of Lithuanians increased to almost 84% of the population. As 26 years earlier, the largest ethnic communities remained Jewish (almost 7.6%) and Polish (over 3.2%) (*Lietuvos gyventojai..., 1923: XXXVI*) (according to the Polish side, there were 10% of ethnic Poles in Lithuania, although this figure was obtained using a rather specific formula by taking into account the votes cast for candidates from the Polish minority in the elections to the Lithuanian parliament. Notably, the census used the language principle to determine nationality (*Petryk*, 2020: 206–207)).

Thus, ethnic minorities constituted a significant element of Lithuanian society. Their value and representation increased with the further expansion of Lithuania’s borders, due to the infusion of ethno-religious communities from the Klaipėda region. In religious terms, Lithuania was dominated by the influence of the Catholic Church, with the Holy See of which the Republic signed a concordat in 1927. The presence of Jewish, Protestant and Orthodox elements was also significant.

In this research, we aim to examine how the issue of the rights of national minorities and religious organisations was reflected in the constitutions of Lithuania in the interwar era. We analyse the provisions of the entire array of relevant normative documents, namely: Provisional Constitutions of 1918, 1919, 1920; Constitutions of 1922, 1928, 1938. In addition, the focus of our investigation is on the rights of ethnic and religious communities in the Klaipėda region, according to the Paris Convention and the Memel Statute of 1924, attached to it. We have also paid attention to the aspect of the draft monarchical constitution of Lithuania of 1918.

Such an analysis is carried out for the first time in the framework of Ukrainian Lithuanistic studies. It is relevant both to the study of the history of the interwar Lithuania (1918–1940) and the history of the state and law of the Baltic States of the same era. This determines the relevance of our work.

2. Previous research

Issues related to the constitutional construction of the Lithuanian state in the interwar period have traditionally attracted the attention of numerous researchers, both Lithuanian and

foreign. This applies to the works of contemporaries of the creation and development of Lithuanian Republic in the first half of the twentieth century, as well as representatives of the post-war generation of researchers who created their scientific content after the end of the Second World War. At the present stage (after the restoration of Lithuania's independence in 1990–1991), among others, the scientific works of such Lithuanian scholars as M. Maksimaitis, G. Šapoka, J. Machovenko, P. Vinkleris and a number of other researchers are worth mentioning. Over the past few decades, several generalised works on the history of constitutional law in Lithuania have been published. Particularly noteworthy are the works in which an important place is given to the constitutions of the interwar period. Among these are the collective works of leading legal historians “History of Lithuanian Constitutionalism [...]” (*Lietuvos konstitucionalizmo istorija...*, 2016), published in 2016, and “Lithuanian Constitutionalism: origins, development and modernity”. The book was published in the year of the centenary of the restoration of Lithuanian statehood (2018) (*Lietuvos konstitucionalizmas...*, 2018).

Among foreign researchers of the history of the state and law of interwar Lithuania in general, and constitutional building in particular, Polish scholars are particularly productive. Among the contemporary researchers of the issue, we name such representatives of Polish scientific institutions as P. Kierończyk, K. Prokop, M. Malužinas. P. Kierończyk is the author of an important comparative analysis of the constitutions of Poland (1935) and Lithuania (1938) (*Kierończyk, 2006*), as well as a thorough work on the history of the constitutional system of the Lithuanian state in 1922–1940 (*Kierończyk, 2008*).

The direction of Ukrainian historical lithuanistics, which is related to the study of the history of the state and law of the interwar period, is currently in the process of formation. The issues we have outlined are only coming into the focus of attention of domestic scholars and continue to await serious development. The combined format of the analysis of national and religious issues in the context of the main legal acts of Lithuania (1918–1940) offered by us is not common in the scientific works of specialists in this research vector.

3. The issue in the context of the draft monarchical constitution (1918) and the provisional constitutions of Lithuania (1918, 1919, 1920)

In the summer of 1918, Lithuania could well have chosen the monarchical vector of development. The project of the sovereign Kingdom of Lithuania was supported by a significant part of the legislative body, the Tariba. In order to prevent Lithuania's personal union with the Prussian royal and German imperial houses of Hohenzollern, the Tariba made a manoeuvre and offered the crown to a representative of the House of Württemberg.

In July 1918, The State Tariba (the transformed successor of the Lithuanian Tariba) passed a resolution to elect Duke Wilhelm von Urach, Count of Württemberg, inviting him to take the throne in Vilnius. A hereditary constitutional monarchy headed by a Catholic ruler was proclaimed in the country (*Gaigalaitė and Skirius (sud.)*, 1993: 121). Duke Wilhelm had to sign the conditions put forward by the Tariba praesidium. The demands were formalised in the form of a 12-article *pacta conventa*, called the “Basic Draft of the Lithuanian Monarchical Constitution”.

This document established the foundations of the country's internal structure and regulated the distribution of powers between the branches of the central government. The “Basic Draft” proclaimed the basic principle of the country's religious policy – the king undertook to respect the freedom of religious practice for his own subjects (Article VI). The document did not contain separate articles guaranteeing the rights of national minorities in Lithuania. At the

same time, the ethnic and linguistic preference of Lithuanians and the Lithuanian language was clearly stated. Lithuanian was declared an official language at all levels, including the royal court (Art. IX). At his court, the monarch could choose only Lithuanians who knew the official language and constantly used it. An exception was made only for the first 5-year period of William's reign (he himself, upon accession to the throne, had to take the Lithuanian name of Mindaugas II). At this transitional stage, foreigners could be involved in the management of the court, but not more than in the proportion of 1 to 3 in relation to Lithuanians (Art. X) (*Gimžauskas (sud.)*, 2006: 318).

The draft monarchical constitution was never implemented. Despite the fact that Wilhelm von Urach agreed to the demands of Tariba, signing the document for himself and his male descendants. Geopolitical circumstances changed. "The Central States" were on the verge of defeat in the First World War. The Lithuanian leadership was decisively breaking free from the grip of Berlin's protectorate. 2 November 1918 The State Council of Lithuania cancelled its July resolution on the election of the king and left the question of the future structure of the country in limbo. The right to determine it was transferred to the Constituent Assembly (*Eidintas and Lopata (sud.)*, 1991: 369), which was to be elected in the near future. Yet, it took several years to get there. As mentioned earlier, Lithuania was caught up in the whirlwind of the liberation struggle after the World War. The War of Independence finally put Lithuanian elites back on the track of republicanism. In that critical period, the work of Lithuanian legislators nevertheless proved fruitful. Three provisional constitutions were adopted.

The first of them was adopted in November 1918. According to the "Basic Provisions of the Provisional Constitution of the State of Lithuania", the country was governed by a temporary and collective head of state consisting of three members of the Praesidium of the State Council (Sect. III, Art. 9). It should be noted that the interim fundamental law did not include separate structural elements defining the rights of national minorities and religious communities. However, for the first time, equality before the law was guaranteed for all citizens without distinction of gender, nationality, religion or social status. The document also proclaimed the elimination of all class privileges (Sect. V, Art. 22). (*Lietuvos Valstybės Laikinosios Konstitucijos...*, 1918:3).

In the midst of the Soviet-Lithuanian armed conflict (1919–1920), the Lithuanian State Council adopted the second provisional constitution of the country (4 April 1919). The document contained a number of important innovations. In particular, the post of the President of the State was introduced. Together with the State Council and the government, he constituted the Supreme State Authority (Sect. I, Art. 1).

As for the rights of citizens, there were some changes compared to the previous interim constitution. As before, equality of all before the law was guaranteed (Sect. VI, Art. 26). In addition, Article 27 of the interim constitution guaranteed, among other things, freedom of religious belief. However, this document also lacked details of the rights of ethnic and religious communities (*Lietuvos Valstybės Laikinosios Konstitucijos...*, 1919: pried.).

The third provisional constitution (June 1920) was an important event for the state. It finally established a stable democratic system in Lithuania. The republican vector of the country's development was established. This was established in Article 1 of the Provisional Basic Law. The basis of parliamentarism was created in the country with a strong legislative body – the Seimas, which was proclaimed to be the expression of the sovereign will of Lithuania (Sect. I, Art. 2). Lithuania was entering an era of parliamentary democracy known in history as "Seimocracy" (1920–1926). However, the Provisional Constitution of 1920, compared to its predecessor, did not contain any changes in terms of securing the rights of national and religious

communities. Instead, once again, along with the equality of all citizens before the law (Sect. V, Art. 15), freedom of religion and conscience was confirmed (Sect. V, Art. 16) (*Laikinoji Lietuvos Valstybės Konstitucija, 1920:1*).

4. Rights of national communities and religious structures under the Constitution of Lithuania of 1922

The laconicism of the temporary constitutions of 1918–1920 was compensated for by the first constant Constitution of the Lithuanian state, adopted by the Constituent Seimas on 1 August 1922. At that time, the active phase of the full-scale war for freedom was over. The sovereignty of the Republic of Lithuania was established over most of the ethnic Lithuanian lands. The only exceptions were the Vilnius region (lost as a result of the Polish-Lithuanian war of 1919–1920) and the Klaipėda region, which would be attached to Lithuania the following year after the adoption of a permanent fundamental law.

The Constitution of 1922 can be considered the most democratic of the main normative documents adopted in Lithuania in the interwar period. It was the culmination of the state's loyalty to its citizens, which was recorded on paper. In it, the Republic demonstrated its open attitude towards national communities and religious structures.

Despite the fact that the Lithuanian nation was declared the source of the fundamental law (in the preamble) and the bearer of sovereign state power (Sect. I, Art. 1), the Constitution enshrined the impossibility of special privileges and restrictions on citizens on the basis of nationality, religion or origin (Sect. II, Art. 10). The state status of the Lithuanian language was confirmed, however, the use of local languages (languages of the largest national communities, A.P.) was allowed within the framework defined by separate laws of the Lithuanian state (Sect. I, Art. 6). At the same time, in the case of “special needs of local residents” (compact residence of ethnic minorities, A.P.), the formation of autonomous units was not excluded. Of course, within the rights and boundaries established by certain normative documents of Lithuania (Sect. I, Art. 5) (*Lietuvos Valstybės Konstitucija, 1922: 1*).

In addition to these articles, a separate section (VII) was devoted to the rights of national minorities. In the case of a significant share of ethnic communities in certain areas, minorities were delegated the right of autonomy in cultural affairs. In particular, in matters of education and charity. In order to implement cultural autonomy, the state recognised the right of national communities to establish their own representative bodies (Sect. VII, Art. 73). Organised ethnic minorities were empowered to introduce separate taxation for their members for the needs of the cultural sector and education. This could be done if it was impossible to cover the necessary expenses through state or local government subsidies (Sect. VII, Art. 74) (*Lietuvos Valstybės Konstitucija, 1922:5-6*).

It should not be forgotten that on the eve of the adoption of the Constitution, Lithuania joined the Declaration on the Protection of the Rights of National Minorities (12 May 1922) (text of the Declaration: *League of Nations Treaty Series (hereinafter – LNTS), 1924a*). This was an important step towards the integration of the Republic into the international community and its leading structures, such as the then representative League of Nations. Thus, the Constitution consolidated fundamental principles driven by the foreign policy context.

Citizens were guaranteed freedom of conscience and religion. However, belonging to a religious community or confession did not exempt from fulfilling one's duties to Lithuanian society (Sect. I, Art. 13) (*Lietuvos Valstybės Konstitucija, 1922: 2*). This includes the duty to defend the homeland. The defence of the Republic was proclaimed to be the responsibility of

all citizens (Sect. VIII, Art. 75). Only representatives of the clergy (of all denominations and communities recognised in the Republic, A.P.), who were exempt from military service, could count on relief in this matter (Sect. X, Art. 83).

Section X of the Constitution is dedicated to matters of religion and worship. The Lithuanian state granted all recognised religious organisations the rights of legal entities. All legal religious structures were given equal opportunities to follow their own canons or statutes, and could preach their doctrine and perform religious rites. Like national communities, religious units were given the right to impose an internal tax on their members. The collected funds could be used for the needs determined by the religious organisations themselves. The latter had the privilege of opening and maintaining not only churches and monasteries, but also educational, upbringing, and charitable institutions. They could acquire and own movable and immovable property (Sect. X, Art. 83). The Republic reserved the right to legalise new religious communities and institutions, however, only if their beliefs and activities were in line with the norms of public order and morality (Sect. X, Art. 84).

The state equated the legal force of civil and church acts of birth, death and marriage. Their performance, within religious communities, was entrusted to the clergy (Sect. X, Art. 85). The Republic of Lithuania took under its protection religious holidays and Sundays, which were defined as “days of rest and spiritual uplift” (Sect. X, Art. 86). It established the obligation to provide free time for the religious needs of the members of the Lithuanian armed forces. The same was guaranteed to prisoners in penitentiary institutions and hospital patients (Sect. X, Art. 87).

Religious organisations gained considerable influence in the field of education. Private schools with church jurisdiction had the opportunity to access state funding if they fulfilled the minimum educational programme established by law (Sect. IX, Art. 82). Most importantly, the church maintained a significant presence in secular educational institutions. Religious instruction in schools was declared compulsory (with the exception of educational institutions established for the category of children whose parents do not belong to any religious organisation). The doctrine had to be taught in accordance with the canons of the denomination to which a particular student belonged (Sect. IX, Art. 80) (*Lietuvos Valstybės Konstitucija, 1922:6*).

The Constitution guarantees the inalienability of the rights of national minorities and religious organisations even in the event of war, armed uprising or other threat to the state (the list of alienable constitutional rights in these circumstances is exhaustively given in Sect. III Art. 32 (*Lietuvos Valstybės Konstitucija, 1922:3*)).

5. National and religious issues in the framework of the legal consolidation of the autonomy of the Klaipeda region

In 1923, after a short armed conflict involving proxy forces, Lithuania gained control of Memeland. The region is also known as Klaipeda region. Until 1919, it belonged to Germany. As a result of the Treaty of Versailles, the region came under the control of the Entente – the victor in the First World War. Its military administration operated here until the end of the Lithuanian armed forces’ operation.

Memeland was part of the ethnographic Lithuanian lands (historical Prussian Lithuania). Its accession created significant economic prospects for the Republic of Lithuania. The country gained a powerful port on the Baltic Sea – Klaipeda. At the same time, it also gained experience in the functioning of a special region within its borders. Lithuania signed a convention with the great powers (Great Britain, France, Italy, Japan and the United States), concluded in Paris in

May 1924. The Paris Convention was attached to the Memel Statute, which can be called a kind of constitution of the region.

The Klaipeda region was recognised as being under the undisputed sovereignty of Lithuania. At the same time, it was granted autonomy in legislative, judicial, administrative and financial matters (Art. 2 of the Convention) (*LNTS, 1924b: 89*).

The ethno-religious composition of the population of the region (135 to 141 thousand people in the interwar period), which was small in area (2848 sq. km), was specific. As of 1925, 42% of residents identified themselves as Germans, 26.6% as Lithuanians, and 24.2% belonged to a special ethnographic group of the Lithuanian people – the Memelenders. The latter spoke a dialect of Lithuanian, professed Lutheranism, and, due to historical circumstances, were in the German cultural field. In general, Protestants made up the majority – 83.1% of believers, Catholics – 7%, and Jews – 5%. For comparison, in other regions of Lithuania, Catholicism demonstrated absolute dominance, with 85.7% of believers professing it (*Petryk, 2020: 238*).

The Paris Convention and the Statute of Memel took into account the circumstances of the region and, as stated in the preamble to the Statute, aimed to “preserve the traditional rights and culture of its inhabitants” (*LNTS, 1924b: 95*).

The Klaipeda region was covered by the Declaration on the protection of the rights of national minorities (Art. 11 of the Convention) (*LNTS, 1924b: 91, 93*). At the same time, its implementation and compliance were under the jurisdiction of regional authorities (Art. 26 of the Statute) (*LNTS, 1924b: 103*). The competence of the autonomous authorities included, among other things, liturgical matters (Art. 5, paragr. 2 of the Statute) (*LNTS, 1924b: 97*). Freedom of conscience was guaranteed in the region without distinction of “nationality, race or religion”, provided that public order and security of the state were respected (Art. 33 of the Statute) (*LNTS, 1924b: 105*). The Memel Statute directly implemented Art. 6 of the Constitution of Lithuania of 1922, as two official languages were introduced in the region – Lithuanian and German (Art. 27 of the Statute) (*LNTS, 1924b: 103*). In addition, some categories of citizens were granted a deferral from service in the Lithuanian armed forces until January 1930 (Art. 13 of the Convention) (*LNTS, 1924b: 93*). For the same period, the educational authorities of the region were granted a privilege to hire foreign teachers (primarily German citizens, A.P.) without the consent of the Lithuanian authorities. After 1 January 1930, this practice continued, but with the sanction of the Lithuanian state (Art. 31 of the Statute) (*LNTS, 1924b: 105*).

The above is not a complete list of self-governing rights of the region. Nevertheless, the regulatory documents of 1924 did not protect the region from conflicts. In fact, throughout the interwar period, Klaipeda region remained a “powder keg” for the Republic of Lithuania.

6. The rights of national minorities and religious communities under the constitutions of the “Smetona period” (1928, 1938)

In December 1926, a coup d'état took place in Lithuania. With the support of military circles, the first president of the country, Antanas Smetona, returned to power. At the same time, the democratic period in the history of the interwar Republic of Lithuania came to an end. The establishment of authoritarianism led to the destruction of parliamentary achievements and changed the constitutional structure.

On May 1928, the country adopted a new fundamental law. It significantly strengthened the presidential institution and levelled the priority of the Sejm's will. In fact, at the time of the adoption of the Constitution, the Lithuanian parliament had not been functioning for a year. In 1927, the Seimas of the third convocation was dissolved.

The 1928 document formally confirmed the provisions of the 1922 Constitution in terms of guaranteeing the rights and privileges of ethnic minorities and religious organisations and communities. Thus, as before, the autonomy of certain parts of the country was allowed (Sect. I, Art. 6) and the possibility of official functioning of local languages (Sect. I, Art. 7) (*Lietuvos Valstybės Konstitucija, 1928:1*). National minorities were left with the right to manage their own educational and cultural initiatives (Sect. VII, Art. 74) and, for these purposes, to tax members of national communities (Sect. VII, Art.75) (*Lietuvos Valstybės Konstitucija, 1928:4*).

The equality of all citizens before the law was proclaimed without distinction of nationality and religion (Sect. II, Art. 11) and freedom of faith and conscience (Sect. II, Art. 14). To take care of the religious needs of groups of citizens, it was allowed to establish appropriate legal entities (Sect. II, Art.19) (*Lietuvos Valstybės Konstitucija, 1928:2*).

Religious structures also retained the privileges enshrined in 1922 and listed above. These included influence on school education (Sect. IX, Art. 81), the right to own property and to establish religious, upbringing, educational and charitable formations (Sect. X, Art.84) (*Lietuvos Valstybės Konstitucija, 1928:4-5*).

During the 1930s, the power of the president was absolutised. Lithuania was dominated by a one-party system with the pro-presidential Union of Lithuanian Tautininkai at its head. After a long break, the Seimas resumed its work in 1936. However, it was also controlled by the head of state and consisted of deputies loyal to it. In February 1938, the Parliament adopted a new Constitution of Lithuania. It was the largest (22 sections, 156 articles) among the Lithuanian constitutions of the interwar period. The document confirmed the triumph of “vadism” (the national Lithuanian version of autocracy) in the state.

The president, as a separate branch of the indivisible state power (Sect. I, Art. 4) (*Lietuvos Konstitucija, 1938: 237*), was, in fact, accountable to no one. According to the oath, the head of state was responsible to God and Lithuanian history, not to the people. It was his duty to take care of the unity of the nation and the strength of Lithuania (Sect. X, Art. 65) (*Lietuvos Konstitucija, 1938: 240*). He fully controlled the executive branch. In some cases, he replaced the parliament in the field of lawmaking and budget approval. In addition, the chief had a large number of other exclusive privileges. The Lithuanian state itself was called a republic (Sect. I, Art. 3) (*Lietuvos Konstitucija, 1938: 237*), but its democratic character was no longer indicated (*Petryk, 2024: 158*).

The rights of national minorities were mentioned briefly. The opportunities provided by the constitutions of the 1920s were no longer mentioned. The use of languages other than the state Lithuanian was allowed, but only within the framework of the law, indicating specific localities and public institutions where it was considered permissible (Sect. I, Art. 7) (*Lietuvos Konstitucija, 1938: 237*). The autonomy of “separate Lithuanian lands” could be delegated by the Republic to “regulate certain local affairs” (Sect. XVI, Art. 127) (*Lietuvos Konstitucija, 1938: 244*). The Klaipeda region remained the only self-governing administrative unit within Lithuania.

All citizens, as before, were declared equal before the law, without distinction of nationality and religion (Sect. III, Art.18). Citizens were free to choose their religion and were guaranteed the right to time for religious duties during the period of civilian service. However, the priority of a citizen’s duties to the state was determined (Sect. III, Art. 20). It was declared the “basis of being” of its own citizens (Sect. III, Art. 16). The latter had to fulfil their main duty – “to be loyal to the state” (Sect. III, Art.17).

The religious structures recognised by the Republic of Lithuania (which were confirmed the status of a legal entity (Sect. IV, Art. 30)) were guaranteed the right to preach and worship.

Compared to previous constitutions, the property rights of religious organisations were not specified.

Clergymen of legal religious institutions were exempted from military service (Sect. IV, Art. 31) (*Lietuvos Konstitucija, 1938: 238*).

In addition, the state secured the right of clergymen to record civil status acts of believers within communities (without the need for further confirmation in official secular institutions) (Sect. XVI, Art.125) (*Lietuvos Konstitucija, 1938: 243*). As it was noted in the previous constitutions. The 1938 Constitution confirmed the right of church institutions and organisations to maintain charitable institutions (Sect. IX, Art. 60) (*Lietuvos Konstitucija, 1938: 240*) for health care and social support to citizens.

The educational initiative of religious structures was now localised in the creation of institutions for training clergy (Sect. IV, Art. 28 – 29) (*Lietuvos Konstitucija, 1938: 238*) and the maintenance of existing schools and educational institutions (Sect. VI, Art.39). At the same time, the state recognised “the educational significance of churches and other equivalent religious organisations” (Sect. VI, Art. 36). However, it reserved for itself the management of educational work and supervision of all educational institutions (Sect. VI, Art. 42). Religious subjects were to be taught in primary and secondary schools. However, the teaching of the doctrine of any of the recognised spiritual structures was not conducted in the case of a small number of students belonging to the respective religion. Another reason for the absence of religion lessons for pupils representing different confessions could be the inability of a particular religious formation to provide teachers of doctrine (Sect. VI, Art. 41) (*Lietuvos Konstitucija, 1938: 239*).

In general, the position of religious structures was to be determined by separate agreements with them by the Lithuanian state, or established by law (Sect. IV, Art. 33) (*Lietuvos Konstitucija, 1938: 238*). Freedom of conscience and religion, the only one of the rights of a citizen listed in the document, could not be restricted even in the case of a state of emergency and the use of actions to protect the state (Sect. XVIII, Art. 140) (*Lietuvos Konstitucija, 1938: 244*).

The second “Smetona constitution” was in force for more than two years. In June 1940, Lithuania, like its Baltic neighbours Latvia and Estonia, was subjected to Soviet intervention. The Lithuanian state was occupied. A collaboration government was established, run by the invaders. In August 1940, the independent Republic of Lithuania was annexed by the USSR and incorporated into it as a union republic. The regulatory framework of sovereign Lithuania was terminated.

7. Conclusions

The restored Lithuanian state embarked on the path of constitutional construction from the first months after the proclamation of the historic Act of 16 February 1918. For quite a long time, the question of the future structure of Lithuania was a matter of debate. During the years of the liberation struggle, Lithuanian elites finally directed the country towards a republican form of government. The evolution of this segment of the perspective could be clearly traced from the drafts of the monarchical constitution, through the prism of the three provisional constitutions of 1918–1920, to the Constitution of 1922. The permanent fundamental law adopted at the final stage of the struggle for independence, among other things, closed the gap related to the status and rights of national communities and religious communities in the country. Lithuania has long been characterised by a rich palette of ethnic groups, ethno-confessional groups and religious communities on its territory. The issue of regulating their legal status in

the Republic of Lithuania in the modern era remained equally important. To a large extent, this task was fulfilled by the aforementioned Constitution of 1922.

The further course of historical events inexorably made adjustments to the problem under study. With the annexation of Klaipeda region (1923) and the signing of the Paris Convention, with the Memel Statute attached to it, Lithuania gained experience in regulating relations with an autonomous region within its borders. The specificity of the Klaipeda region was in its ethnic, linguistic, cultural and religious segments. During 1923–1939, the autonomous region was not only an important component of the economic power of the Republic of Lithuania, but also a source of unrest and separatism. This led to appropriate actions of the central Lithuanian authorities. The difficulty of reaching a consensus was further exacerbated by destructive influences, and in 1939, by the direct intervention of the German Nazi regime.

At the same time, the Lithuanian state embarked on the path of building an authoritarian model of government in 1926. The changes in the distribution of powers, as well as in the approaches to the country's domestic policy, were reflected in two constitutions adopted ten years apart (1928 and 1938). In general, while adhering to the text of the previous main normative documents of the Republic regarding the rights of religious communities, there was a decrease in loyalty to organised forms of national community unity. The latter statement is primarily true of the Constitution of 1938. The reasons for this, apart from the state's desire for unification and a single national ideological line, in our opinion, go back to the above-mentioned externally inspired dangers to the existence of an integral Lithuania. In practice, a few years before the adoption of the last interwar constitution, they resulted, among other things, in the preparation of an anti-Lithuanian putsch by the national socialist underground in the Klaipeda region. The defeat of the separatists ended in the high-profile trials of 1934–1935.

The last two years of independence (1938–1940) for Lithuania were marked by great turmoil. The country was forced to accept a number of ultimatums from its more powerful neighbours. The Klaipeda region was occupied and annexed by the Third Reich. Despite the restoration of Lithuanian control over Vilnius and the Vilnius region, in the autumn of 1939, the Republic itself faced a Soviet military invasion. The final chord of this invasion was Moscow's ultimatum and the occupation of the country in June 1940.

However, the statehood of the interwar Republic of Lithuania, as well as its constitutional tradition, did not disappear. They were restored and continued in the form of modern Lithuania, brought to life by the revolutionary events of 1989–1991.

The study of the history of state and law in the context of Lithuanian and Baltic studies in Ukraine is waiting for further steps. We consider this area to be one of the most promising among the array of scientific fields currently being explored by Ukrainian specialists in the history of state and law of foreign countries.

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