The challenge of Religion in the European Union

the EU's Fundamental Principles and Their Impact on Georgia's Path to Candidate Status

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Abstract

This research investigates how the European Union (EU) addresses religious matters and religious nationalism both within its borders and during the process of EU enlargement, with a particular focus on Georgia's rapprochement to the EU from the initialling of the Association Agreement until Georgia's accession to EU candidate status. The study identifies a discrepancy between EU values and those advocated by religious nationalists. The aim is to assess the effectiveness of the EU's current model in addressing conflicts where religious values clash with EU principles. Incorporating evidence from the European Commission, European Parliament, and the Court of Justice of the European Union, the research finds that EU fundamental principles take precedence over national legislation. However, the EU also seeks to balance its principle of equality with its principle of subsidiarity. The divisions within the EU underline the critical role of jurisprudence in shaping the EU's stance on contentious issues involving religious and EU values. In the context of EU enlargement, the EU lacks direct jurisdiction to enforce its fundamental principles. Furthermore, the study reveals that the EU does not adequately apply legal pressures on Georgia regarding human rights. Consequently, this study demonstrates that the EU primarily addresses religious matters and religious nationalism through adherence to its legislation. In the context of enlargement, the EU's influence is constrained to encouraging compliance with the Copenhagen criteria. This study contributes to the understanding of religion's role in EU enlargement, particularly at a time where the EU's progressive values increasingly clash with conservative trends in many European countries.

Key words: Religious nationalism, Georgia, European Union, EU enlargement, Georgian Orthodox Church

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List of abbreviations

AA   - Association Agreement
CEC - Conference of European Churches
CJEU - Court of Justice of the European Union
COMECE - Commission of the Bishops' Conferences of the European Union
CSO   - civil society organisation
ECR   - European Conservatives and Reformists
ECSC - European Coal and Steel Community
ECtHR - European Court of Human Rights
EEAS - European External Action Service
EGP   - European Green Party
EPP   - European People's Party
EU   - European Union
GDR   - German Democratic Republic
GOC   - Georgian Orthodox Church
IR   - International Relations
MEP   - Member of European Parliament
NGO   - non-governmental organisation
ROC   - Russian Orthodox Church
TFEU - Treaty on the Functioning of the European Union
UNM   - United National Movement
VLAP - Visa Liberalisation Action Plan

Introduction

On the 14th of December 2023, the European Council granted Georgia the status of European Union (EU) candidate.[1] This milestone followed the twentieth anniversary of Rose Revolution on the 22nd of November 2023, a pivotal event in the wave of Colour Revolutions that swept through the former Soviet Union. Emerging from the 2003 Rose Revolution, Mikheil Saakashvili assumed presidency of Georgia in 2004. Throughout Saakashvili's tenure, pursuing closer ties with the Euro-Atlantic community and aligning more closely to the West remained key priorities.[2] However, his self-defined liberal, modernising, and secularising government found itself at odds with the conservative and nationalist Georgian Orthodox Church (GOC), which bolstered anti-Western sentiments among its clergy.[3]

Various reports from the Pew Research Center indicate that religion holds significant sway in Georgian society. An overwhelming 99% of adults in Georgia profess belief in God, and 89% identify with Orthodox Christianity.[4] Additionally, Christian affiliation has increased by three percentage points when comparing those raised as Christians to those currently practising the faith.[5] Many Georgians support a prominent role for religion and religious institutions in society, with 52% believing the government should promote religious values and beliefs. Furthermore, 82% think their national Church should receive financial support from the government.[6]

The reports from the Pew Research Center not only highlight the deep religiosity in Georgia but also reveal its strong connection to nationalism. For instance, 81% of Georgians consider being Orthodox as very or somewhat important to truly share the Georgian identity.[7] An example of this intertwining of religion and nationalism is Saakashvili's inaugural act upon assuming office in 2004, which included the reinstallation of the mediæval Georgian five-cross flag as the national emblem.[8] Religious nationalism is further reinforced by the GOC, a powerful entity in Georgian society. After all, the GOC is among the most trusted

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[1] Onnik James Kritorian, 'Georgia celebrates EU candidate status', *Osservatorio Balcani e Caucaso Transeuropa* (Tbilisi 19 December 2023) [https://www.balcanicaucaso.org/eng/Areas/Georgia/Georgia-celebrates-EU-candidate-status-229104] (Accessed: 04-01-2024).
[2] Francoise J. Companjen, 'Georgia', in: Donnacha Ó Beacháin and Abel Polese ed., *The Colour Revolutions in the Former Soviet Republics: Successes and Failures* (London 2010) 13-29, 24; Tornike Metreveli, 'An undisclosed story of roses: church, state, and nation in contemporary Georgia', *Nationalities Papers* 44 (2016) 694-712, 696-697 <doi:10.1080/00905992.2016.1200021>.
[3] Metreveli, 'An undisclosed story of roses', 697-698.
[4] Alan Cooperman, Neha Sahgal and Anna Schiller, *Religious Belief and National Belonging in Central and Eastern Europe* (Washington DC 10 May 2017), Washington D.C.
[5] *Eastern and Western Europeans Differ on Importance of Religion, Views of Minorities, and Key Social Issues*, (Washington DC 29 October 2018), Washington D.C.
[6] Cooperman, Sahgal and Schiller, *Religious Belief and National Belonging in Central and Eastern Europe*.
[7] Ibidem.
[8] Metreveli, 'An undisclosed story of roses', 699.

institutions in the country, and its leader, Patriarch Ilia II, is regarded as the most respected individual in Georgia, according to Carnegie Europe.[9]

Georgian politics lacks a culture of cooperation and consensus, often leading to polarisation within society. In this context, the Church remains one of the few unifying institutions, leveraging its authority to influence political processes, as exemplified in the 2007 constitutional crisis.[10] Consequently, the conservative Georgian Church openly clashes with ideas it deems incompatible with its religious and conservative values. The GOC predominantly views Georgia as a nation where ethnic Georgian Orthodox Christians hold a privileged status.[11] This directly conflicts with the values of equality, rule of law, and human rights on which the EU is founded as laid out in Article 2 of the Lisbon Treaty.[12] As Georgia may assume EU membership in the future, Georgian religious nationalism could pose a significant challenge to the union's foundational values.

Recognising the GOC as an indispensable player in future discussions between the EU and Georgia on the latter's accession, it becomes essential to investigate how the EU navigates religious nationalism in Georgia. Therefore, this research examines how the EU has addressed religious nationalism in Georgia during its rapprochement process, from the initialling of the Association Agreement in 2013 to the attainment of EU candidate status on 14 December 2023.

Research question

Explanations on how the EU addresses religious nationalism in EU candidate countries has not received much attention. This research does not only focus on how the EU deals with religious identities within EU member states, but also focusses on understanding the EU's approach to religion and religious nationalism within the process of EU enlargement. Specifically, it addresses the case of Georgia, which has recently been granted EU candidacy, and is distinctly religious in character. The research question is as follows:

> How has the European Union addressed religious matters and religious nationalism within the Union, and in Georgia's rapprochement to the European Union from the initialling of the Association Agreement in 2013 to Georgia's attainment of European Union candidate status on 14 December 2023?

Relevance

The academic relevance of this research lies in its examination of how the European Union addresses religion and religious nationalism in EU candidate countries, with a specific focus on Georgia. By exploring this topic, the study enhances our

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[9] Archil Gegeshidze and Mikheil Mirziashvili, *The Orthodox Church in Georgia's Changing Society* (Brussels July 2021) 9.

[10] G. Nodia, 'Components of the Georgian national idea: an outline', *Identity Studies* 1 (2010) 84-101, 93.

[11] Gegeshidze en Mirziashvili, *The Orthodox Church in Georgia's Changing Society*, 9.

[12] 'Aims and Values', EU Directorate-General for Communication [https://european-union.europa.eu/principles-countries-history/principles-and-values/aims-and-values_en] (Accessed: 07-08-2024).

understanding of how the EU influences cultural attitudes during the integration of countries with strong religious identities. Accession to the EU often requires institutional changes that may conflict with the values held by religious nationalists. Additionally, this research sheds light on the EU's approach to managing cultural and religious diversity throughout its enlargement process.

This research holds societal relevance as it addresses a pressing issue in contemporary European politics: the intersection of religion and nationalism in EU member states, particularly in Orthodox countries. With the recent granting of EU candidacy to Georgia, understanding how the EU manœuvres religious nationalism in its enlargement process is crucial. This is also evident from the enhancement of relations with other Orthodox-majority countries, such as Serbia and Ukraine, which also have EU candidate status. By shedding light on the EU's approach to religion and religious nationalism in candidate countries, this research informs not only academic debates but also policymaking and diplomatic efforts in Europe, as the EU seeks to expand to include more Orthodox countries.

Historiography

The accession of Central and Eastern European states has sparked scholarly debates on identity in EU enlargement. Peter J. Katzenstein and Timothy A. Byrnes analyse this process through the lens of "multiple modernities," which suggests that modernity is not a universally applied concept but rather a contingent one that varies according to a society's cultural heritage and socio-political conditions.[13] They argue that religious issues are re-emerging in European politics due to differences in secularisation and the role of religion in public life among new EU member states. As these societies, often defined by their religious traditions, integrate more deeply into the EU, religion assumes a more prominent role in European politics.[14]

Katzenstein and Byrnes highlight a complicated relation between confessional traditions and European integration for several reasons. They note that religion's transnational interactions involve religious leaders who influence international politics. Different religious communities have distinct institutional structures and historical ties to European identity, which shape their engagement with European politics. Furthermore, the historic and contemporary connections of these religious communities to European identity vary, with some having deep-rooted ties to the concept of Christendom, while others face more problematic and contested relationships.[15] The authors argue that Europeanisation requires changes in institutional structures in acceding states without fundamentally altering their identities, creating a space where transnational religious structures intersect with European integration.[16]

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[13] Peter J Katzenstein and Timothy A Byrnes, 'Transnational Religion in an Expanding Europe', *Perspectives on Politics* 4 (2006) 679-694, 688 <doi:10.2307/20446276>; Shmuel N. Eisenstadt, Jens Riedel and Dominic Sachsenmaier, 'The context of the multiple modernities paradigm', in: Jens Riedel and Dominic Sachsenmaier ed., *Reflections on multiple modernities: European, Chinese, and other interpretations* (Berlin 2002) 1-26, 1.
[14] Katzenstein and Byrnes, 'Transnational Religion in an Expanding Europe', 679.
[15] Ibidem, 683-688.
[16] Ibidem, 683-684.

In Religion and National Identities in an Enlarged Europe, Matthias Koenig and Wolfgang Knöbl examine the role of religion and national identities in European integration through case studies of Germany, Poland, Greece, and Turkey. They argue that European integration diminishes the importance of religion by reinforcing secular aspects of collective identity through institutions promoting equality and religious diversity.[17] However, they also provide evidence that European integration has ignited significant debates and conflicts regarding the role of religion in collective identity. Instances of reactive renewal of religious nationalism have been observed.[18] Moreover, religion can serve as a tool for reintegrating national identities into broader transnational frameworks. For example, the concept of "Return to Europe" underscores the importance of Poland revitalising Europe's spiritual values.[19] Koenig and Knöbl conclude that European integration facilitates the discussion and renegotiation of identity concepts within the national framework. Given that national and religious traditions play a significant role in discourses on European identity, it is expected that not only will secular cosmopolitanism be promoted, but also that the prominence of religion in public life will increase as European integration progresses.[20]

The analysis presented by Katzenstein and Byrnes sheds light on the religious resurgence in European politics driven by EU enlargement, conceptualised through the idea of multiple modernities. Furthermore, Koenig and Knöbl, in their research on religious nationalism in European integration, argue that national identities are renegotiated during the integration process. If religion is part of an identity before integration, it will continue to play a role afterward. Thus, religion plays a role on both sides of the accession process, influencing both the candidate countries and the EU institutions.

Constructivism
The visions of Georgia's future and its relationship with the EU are contested. The influential GOC represents a significant counterforce to liberal ideas, while the EU is characterised by its foundational liberal values and principles.[21] Consequently, a discordance between the ideas and values of both actors is anticipated. In this research, constructivism offers the most suitable framework for studying the EU's approach to religious nationalism in Georgia. Constructivist theory focusses on understanding the role of norms, ideas, and identities in shaping behaviour. Central to constructivist social theory is the notion that actors' perceptions of themselves and others, including their religious and national identities, are socially constructed and significantly influence their behaviour, as articulated by Alexander Wendt.[22]

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[17] Matthias Koenig and Wolfgang Knöbl, 'Varieties of Religious Nationalism', in: Willfried Spohn, Matthias Koenig and Wolfgang Knöbl ed., *Religion and National Identities in an Enlarged Europe* (Basingstoke 2015) 146-162, 148-149.
[18] Ibidem, 150.
[19] Ibidem, 151.
[20] Ibidem, 152.
[21] Gegeshidze and Mirziashvili, *The Orthodox Church in Georgia's Changing Society*; 'Aims and Values' EU Directorate-General for Communication [https://european-union.europa.eu/principles-countries-history/principles-and-values/aims-and-values_en] (Accessed: 07-08-2024).
[22] Alexander Wendt, 'Anarchy is What States Make of It: The Social Construction of Power Politics', *International Organization* 46 (1992) 391-425, 396-397.

Following this argument, the EU's approach to dealing with religious nationalism is influenced by the concept of institutions as cognitive entities. Institutions are not merely formal rules and norms; they are fundamentally shaped by actors' ideas and collective knowledge about the perception of reality.[23] According to Wendt, actors and social structures are not separate entities but are mutually constitutive. In other words, actors' identities, beliefs, and interactions shape the social structures they inhabit, while these structures, in turn, influence actors' identities and behaviour.[24] This interdependence between institutions and actors means that they influence each other's development, allowing for institutions to evolve through the codetermination of intersubjective understandings and expectations.[25]

In a more practical sense, Katzenstein and Byrnes attribute the surge of religious issues in European politics to the accession of new actors to EU membership, whose identities and beliefs both influence and are influenced by the EU.[26] Additionally, the findings of Koenig and Knöbl's research, which anticipate both the promotion of secular cosmopolitanism and increased attention to religion within the EU context, highlight the codetermination of intersubjective understanding. In the context of religious nationalism, co-constitution refers to the interplay between the constructed identities, beliefs, and actions of individuals or groups and the broader social and political structures in which they operate. The actions of religious nationalist actors impact laws, policies, and institutions, shaping societal structures, while these constructed identities and narratives of religious nationalism are simultaneously influenced and reinforced by broader social, political, and institutional contexts.

Method

Given the constructivist framework outlined above, this research adopts a qualitative and interpretive methodological approach, rooted in the hermeneutic tradition. The focus is on understanding how the EU's institutions respond to and influence religious nationalist movements within its member states and candidate countries, particularly Georgia. The analysis examines the interaction between religious nationalism and the EU's norms and values.

Central to the hermeneutic approach is the interpretation of texts, discourses, and social practices within their specific historical and cultural contexts. Historiography, with its hermeneutic approach, places greater emphasis on the importance of historical context, which is crucial for understanding the EU's handling of this issue – an aspect that may not have been fully addressed in the political science or sociological studies. This process is encapsulated by Hans-Georg Gadamer's concept of *Horizontverschmeltung*, where the interpreter's

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[23] Ibidem, 399.

[24] Alexander Wendt, *Social theory of international politics* (Cambridge 1999) 366; Ian Hurd, 'Constructivism', in: Christian Reus-Smit and Duncan Snidal ed., *The Oxford Handbook of International Relations* (Oxford 2008) 298-316, 304.

[25] Wendt, 'Anarchy is What States Make of It', 405-407.

[26] Main argument is found in historiography.; Peter J Katzenstein and Timothy A Byrnes, 'Transnational Religion in an Expanding Europe', *Perspectives on Politics* 4 (2006) 679-694 <doi:10.2307/20446276>.

perspective merges with the historical and cultural horizon of the text, allowing for a deeper understanding.[27] By employing hermeneutics, this research aims to uncover the deeper meanings and contextual influences behind the EU's engagement with religious nationalism, and religious nationalists' response to a changing institutional framework. This involves not only analysing official EU documents, legal texts, and public statements, but also interpreting these sources in light of the broader socio-political environment in which they were produced.

Important questions to consider in this analysis include understanding how the EU balances the tension between its core values and the religious and cultural norms of its member and candidate states. The language and reasoning in these rulings are assessed to determine how conflicts between religious nationalism and EU legislation are addressed. In reviewing reports from the European Commission, the focus is on how the Commission frames its expectations and evaluations of candidate countries' compliance with EU norms, particularly where religious nationalism may pose challenges.

For European Parliament resolutions and debates, the analysis explores how the Parliament's stance on religious nationalism is articulated, and how these discussions reflect broader political and cultural dynamics within the EU. Written questions and answers submitted by Members of European Parliament are examined to reveal how religious issues are brought to the forefront of EU policymaking and how the EU's institutions respond to these concerns.

Finally, when examining reports on Georgia's rapprochement with the EU, this thesis analyses how the Commission discusses the implementation of anti-discrimination laws and other reforms, and how these reports reflect the ongoing negotiation between EU requirements and Georgian religious and cultural values.

The research for this thesis is divided into three chapters. Chapter I serves as an introductory chapter, laying the literary groundwork necessary to understand the theoretical framework, historical context, and key concepts relevant to the subsequent source analysis in Chapters II and III. Based on this foundation, Chapter II specifically investigates how the EU addresses religious nationalism within its member states, focussing on case studies, legal rulings, and policy responses that illustrate the EU's approach to managing the tension between its core values and the religious and cultural norms of its member states. In Chapter III, the focus shifts to how the EU addresses religious nationalism within its enlargement policy, using Georgia as a case study. This chapter examines the role of the GOC in society and politics and explores the EU's influence on controversial issues such as LGBTIQ rights during Georgia's rapprochement process. The analysis draws on reports and documents from the European Commission and European Parliament to assess the EU's approach, particularly in the context of legislative changes and their societal impact in Georgia.

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[27] Hans-Georg Gadamer, *Truth and Method* (London 2013).

I.   The unique characteristics of religious nationalism

There is nothing to prevent the "death of God" from becoming but another program emphasis.

This is what the sociologist and Protestant theologian Peter L. Berger, renowned for his study on modernisation, projected in 1967 concerning the role of religion in public life.[28] He describes a process involving a fundamental change in how people perceive and understand religion. However, as the introduction suggests, this projection has not materialised, particularly in light of the post-Soviet religious revival. This chapter first examines the increasing role of religion in international relations (IR) and highlights the shortcomings of secularism in this context. It then assesses how the role of religion in IR is studied. Following this, the concept of religious nationalism is explained using various scholarly literature. The chapter then explores the different forms of religious nationalism present in former socialist Central and Eastern Europe and offers a general classification of these forms. Finally, it focusses on Georgian identity and nationalism, analysing the historical development of religious nationalism in Georgia, and how it fits into the broader picture of the general classification of religious nationalism.

Religion in international relations
Traditionally, according to Berger, religion principally focussed on concepts beyond the physical world, such as the existence of divine beings or events like the resurrection of Jesus Christ. However, with a shift towards a more immanent perspective, the emphasis has moved towards understanding religion in terms of its relevance to the here and now, to human experience and the world we live in. Furthermore, secular theologians share the presupposition that traditional religious affirmations are not reasonable because they do not conform to modern criteria of validity.[29] A defensive response, seeking to maintain traditional beliefs, would be isolated from a changing society. An accommodating response, adapting religious teachings to fit modern sensibilities dilutes the distinction between religious and secular programmes, so that the "Christian" label could be disposed of.[30]

Contextualising Berger's work, the argument for increased secularisation fits into the trends of the 1960s. Since then, there has been a continuous decline in church attendance across all countries in Western Europe.[31] Additionally, in the 1960s the Catholic Church began responding to secularism by accommodating secularising societies. For instance, the objectives of the Second Vatican Council were to foster the Catholic faith, renew Christian morals, and adjust ecclesiastical

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[28] Peter L. Berger, 'A Sociological View of the Secularization of Theology', *Journal for the Scientific Study of Religion* 6 (1967) 3-16, 15 <doi:10.2307/1384189>.
[29] Ibidem, 4-5.
[30] Ibidem, 12-15.
[31] Callum G. Brown, 'The secularisation decade: what the 1960s have done to the study of religious history', in: *The Decline of Christendom in Western Europe, 1750–2000* (Cambridge 2003) 29-46, 29-30.

discipline to meet contemporary demands.[32] The assumptions of secularisation theory suggest that modernity – through scientific advancements, increased education, urbanisation, and rationalisation – leads to a decline in religious beliefs, practices, and institutions. While this trajectory has been evident in Western Europe, there has been a tendency to generalise this trend globally. Despite such generalisations, this has not proven to be a universal phenomenon, as religion has remained vibrant in Latin America, Africa, the Middle East, and South Asia, and has revived in post-Soviet states. In religious matters, regions demonstrating strong religiosity are often perceived as lagging behind in terms of their sociological phase and temporal progression.[33] This perception may hold if one subscribes to a single, Western version of modernity. However, ongoing global religiosity underscores that modernity is not a uniform process but rather a diverse and multifaceted one.

The increased separation of religion and politics after the Peace of Westphalia in 1648 can be viewed as a concept rooted in the European theological movement of Protestantism and a product of a particular European modernity. In the traditional, simplistic narrative, the modern international state system was founded on a secularist principle advocating for the separation of religion from governmental affairs and public institutions, consolidated during the settlements of Westphalia which conferred absolute sovereign authority to states. Generally, after Westphalia, religion ceased to serve as the principal casus belli.[34] Daniel Philpott argues that the diminished importance of religion in the Westphalian system has its roots in the political theology of the Protestant Reformation. The Reformation challenged the traditional hierarchical structure of the church, placing emphasis on the autonomy of local churches. Martin Luther's "Doctrine of the Two Kingdoms and the Two Governments" accentuated this separation by delineating the spiritual realm, governed by Christ and the believer's soul, from the secular realm, governed by civil magistrates and laws. Furthermore, the Reformation's challenge to traditional ecclesiastical authority motivated secular rulers to align themselves with reformers for protection against religious persecution.[35]

In her article *The Authority of Secularism in International Relations*, Elizabeth Shakman Hurd critiques the problematic implications of secularism in IR. Drawing on scholars such as José Casanova, Stephen Krasner, and Thomas Scott, she argues that secularism seeks to regulate religion by assigning it a specific place in the public sphere or relegating it to the private realm. This approach assumes the authority to dictate religion's role in political affairs, claiming moral superiority and positioning secularism as the embodiment of free, democratic, and rational thought.[36]

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[32] Pedro S De Achutegui, 'The Second Vatican Council', *Philippine Studies* 10 (1962) 517-549, 523.

[33] David Martin, 'The Secularization Issue: Prospect and Retrospect', *The British Journal of Sociology* 42 (1991) 465-474, 466 <doi:10.2307/591190>.

[34] Daniel Philpott, 'The Religious Roots of Modern International Relations', *World Politics* 52 (2000) 206-245, 209-213 <doi:10.1017/S0043887100002604>.

[35] Ibidem, 222-224.

[36] Elizabeth Shakman Hurd, 'The Political Authority of Secularism in International Relations', *European Journal of International Relations* 10 (2004) 235-262, 237-242 <doi:10.1177/1354066104042936>.

Hurd critiques two forms of secularism: laicism and Judeo-Christian secularism. She argues that laicism, while claiming neutrality and universalism, fails to acknowledge its roots in specific historical contexts and contested debates about religion's role in public life. Even without explicit theological arguments, laicism's attempt to define the secular inherently involves defining the religious, thus making theological assumptions. This can lead to secularism imposing one metaphysical view over another.[37]

Hurd also problematises Judeo-Christian secularism, most notably put forward by Samuel Huntington. Huntington argues in his seminal work *The Clash of Civilizations* that 'multiculturalism at home threatens the West; universalism abroad threatens the world. Both deny the uniqueness of Western culture.'[38] This suggests that non-Western societies, by not adopting secularism, are fundamentally different and potentially in conflict with Western norms. This perspective is both historically inaccurate and dismissive of non-Western support for secularism as mere imitation of the West.[39]

Hurd concludes that secularism in IR is problematic because it claims neutrality while marginalising non-secular and non-Western perspectives. She argues that secular conceptions must recognise and incorporate contributions from these diverse viewpoints.[40] The secularist approach to studying IR lost much of its meaning after the Iranian Revolution and was further challenged by the dissolution of the Soviet Union, which called the most established interpretations of IR stemming from the Cold War into question.[41]

Jonathan Fox and Shmuel Sanders argue that the neglect of religion in IR can be traced to the influence of social sciences. The secular essence of IR has been reinforced by its historical evolution from religious conflicts and the foundational principles of the modern international system. Additionally, the emphasis on behaviouralism and quantitative methods in IR has contributed to overlooking religion, as religion in IR is difficult to measure. Major IR theories have also prioritised material power, economics, the state, and the nation, often at the expense of considering religion as a significant factor.[42]

Fox and Sanders advocate for integrating religion into IR, arguing that it is a crucial source of legitimacy and a complex phenomenon. Religion can align with secular motivations, inform foreign policy, and serve nonreligious agendas, but it is also limited in its influence since not every religious person accepts religious arguments. Moreover, religious issues and conflicts can become transnational, such as seen when religious rebellions inspire similar movements elsewhere. Additionally, the international system is influenced by norms, which influence

[37] Ibidem, 246.
[38] Samuel P. Huntington, *The Clash of Civilizations and the Remaking of the World Order* (London 1996) 318.
[39] Hurd, 'The Political Authority of Secularism in International Relations', 252.
[40] Ibidem, 256.
[41] Samantha May et al., 'The Religious as Political and the Political as Religious: Globalisation, Post-Secularism and the Shifting Boundaries of the Sacred', *Politics, Religion & Ideology* 15 (2014) 331-346, 339 <doi:10.1080/21567689.2014.948526>.
[42] Jonathan Fox and Shmuel Sandler, *Bringing Religion into International Relations* (New York 2004) 2-3.

perspectives on issues like minority rights and women's rights across different cultures.[43]

John Rees highlights the multifaceted nature of religion in IR by introducing a conceptual tool that categorises religion into syntactic roles, making its impact more measurable.[44] To grasp religion's complexity in IR, Rees distinguishes between four classical cases: nominative, genitive, accusative, and dative. Each of these cases represents the place of religion in the syntax of political power. Religion as *subject* (nominative) refers to the capacity of religious actors and interests to influence and set agendas in world affairs. This suggests that religious actors, such as religious non-governmental organisations (NGOs) or states with strong religious identities, can play a proactive role in shaping international politics and diplomacy.[45] Religion as *possessing* (genitive) encompasses both peace-making and violent qualities. Religious actors have been instrumental in promoting peace through initiatives inspired by spiritual principles, such as conflict resolution in Islamic law. However, religion also holds the potential for violence, as seen in the rise of militant Islamic movements.[46] Religion as *object* (accusative) represents religion that is acted upon or subjected to external forces. In the interaction between religious actors and the secular state, religion is subjected to restrictions imposed by state agendas, including state preferences for particular religions, recognition and benefits, as well as restrictions on minority religions.[47] In the dative case, religion functions both as an *indirect object* and as a *means*. As an indirect object, it refers to secondary effects like how modern demographic changes, such as different birth rates in different world regions, indirectly influence global religiosity. As a means, it involves the instrumental use of religion as justification for action in response to feelings of marginalisation.[48]

Having pointed out the flaws of secularisation theory, while demonstrating secularism's religious roots, it becomes evident that religion occupies a complex and multifaceted position within IR, which can be dissected, as Rees has demonstrated. By clarifying the diverse aspects of religion the groundwork is laid for a further examination of religious nationalism.

Religious nationalism

In the literature on religious nationalism various scholars have outlined typologies of the phenomenon, its causes, the dynamics, and its implications by offering different lenses. These lenses include respectively Mark Juergensmayer's typology of religious nationalism, Catarina Kinnvall's psychological mechanism, and Roger Friedland's institutional framework.

Juergensmayer identifies three types of religious nationalism: ethnic, ideological, and ethno-ideological religious nationalism. Ethnic religious

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[43] Ibidem, 163-166.
[44] John A. Rees, 'Religion in the Syntax of Power: A Postsecular Perspective on International Relations', *Politics, Religion & Ideology* 15 (2014) 456-472, 457 <doi:10.1080/21567689.2014.943360>.
[45] Ibidem, 464-466.
[46] Ibidem, 464-468.
[47] Ibidem, 468-469.
[48] Ibidem, 469-470.

nationalism merges religion with an ethnic community's shared ancestry, history, or culture. These groups often feel marginalised and use religious sentiment to assert a distinct political identity, typically within a specific territory. This can manifest as a culture of dominance, like in Israel, with Jewish historical claims to land in Palestine, or a culture of liberation, as seen in post-Soviet religious nationalism.[49] However, as will be explained, post-Soviet religious nationalism cannot be generalised into the culture of liberation.

Ideological religious nationalism, on the other hand, integrates religious beliefs in divine law with the concept of the nation-state. This form emerged in the French Revolution, who sought to establish a set of values and symbols to support their secular social order, such as the Cult of the Supreme Being, and continues in examples like theocratic Iran.[50]

The distinction between the two types lies in their approach: ethnic religious nationalism instrumentalises religious identities for political gains, while ideological religious nationalism places religious principles at the forefront of politics, framing political issues in a sacred context. Additionally, the enemies of ethnic religious nationalists are usually other ethnic groups, particularly those that have historically controlled or oppressed them. In contrast, the enemies of ideological religious nationalists are both domestic and foreign secular powers.[51]

The third type, ethno-ideological religious nationalism, combines elements of both. Hamas exemplifies this type. This organisation's ethnic religious nationalism is evident from its struggle against Israel through identifying with the Palestinian ethnic identity. Simultaneously, Hamas engages in ideological religious nationalism by advocating for the establishment of an Islamic state in Palestine based on Islamic principles of governance. This dual approach allows Hamas to target both its ethnic rival, Israel, and secular leaders within its own community, such as Yasser Arafat. Even religious movements focussed on ethnicity may incorporate ideological aspects, as religion provides a vast source of cultural and ideological elements to advocate for particular societal ideals.[52]

Juergensmayer argues that religious nationalism arises from political and economic instability, leading individuals to cling to traditional values amidst a national identity crisis. These changes generate feelings of insecurity, prompting individuals to assert the legitimacy of traditional values in the face of a national identity crisis. This disillusionment undermines confidence in the existing culture.[53] This context may be relevant when analysing the potential effects of aligning Georgia's conservative society with EU demands, which could diminish confidence in Georgian political institutions.

Kinnvall stresses the impact of globalisation on the bolstering of religious nationalism. She approaches religious nationalism through the lens of ontological security. Ontological security refers to a stable mental state derived from a sense of

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[49] Mark Juergensmayer, 'The Worldwide Rise of Religious Nationalism', *Journal of International Affairs* 50 (1996) 1-20, 4 <doi:10.2307/24357402>.
[50] Ibidem, 5.
[51] Ibidem, 6-7.
[52] Ibidem, 7-8.
[53] Ibidem, 9-11.

continuity and order in one's experience.[54] Kinnvall suggests both nationalism and religion offer narratives that provide a sense of security and certainty in a globalising world, characterised by increased interconnectedness and mobility that challenges traditional power structures and hierarchical systems.[55] In response to this existential anxiety, individuals seek new identities for security, often rooted in identity-based groups or movements.[56] She introduces the concept of "securitising subjectivity," where groups construct and reinforce a sense of security and identity in response to perceived threats or uncertainties. This involves mythologising past tragedies ("chosen traumas") or magnificence ("chosen glories"), with religion and nationalism playing key roles in sustaining these narratives.[57]

One aspect highlighted by Kinnvall is the impact of secularism, promoted through globalisation and modernisation, which can encounter resistance from religious groups in societies where religion holds significant influence. This resistance arises due to the perceived threat secularism poses to traditional religious values and cultural norms. As secularism gains traction, religious communities may respond by reaffirming their traditional beliefs and norms, serving as a strategy to preserve their identity and push back against perceived encroachments on religious authority.[58]

Whereas Kinnvall and Juergensmayer emphasise social and political drivers of religious nationalism, Friedland adds a focus on religion's institutional framework. He argues that religious nationalism depends on these institutional spaces to organise collective representation, distinguishing it from nationalism's state-centric identity.[59] For Friedland, religious nationalism is not merely a reaction to political and economic changes but an end in itself, offering belonging and purpose through religious beliefs and traditions. It operates beyond material interests, mobilising individuals through religious symbols and practices like charity.[60] Friedland suggests that religious nationalism requires an institutional approach to collective representation due to its significant role in shaping political decision-making and self-identity. By integrating religious beliefs into institutional structures, religious nationalists are able to assert their identity and interests within political systems.[61]

Understanding religious nationalism from multiple perspectives is crucial for exploring the post-socialist religious revival in Central and Eastern Europe. The transition of religious institutions from state repression to newfound autonomy reveals their influence on political discourse and societal norms in the region. A significant point in Juergensmayer's work is the culture of liberation versus

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[54] Catarina Kinnvall and Jennifer Mitzen, 'Anxiety, fear, and ontological security in world politics: thinking with and beyond Giddens', *International Theory* 12 (2020) 240-256, 240 <doi:10.1017/S175297192000010X>.

[55] Catarina Kinnvall, 'Globalization and Religious Nationalism: Self, Identity, and the Search for Ontological Security', *Political Psychology* 25 (2004) 741-767, 742-744.

[56] Ibidem, 746-749.

[57] Ibidem, 755-757.

[58] Ibidem, 759-760.

[59] Roger Friedland, 'Religious Nationalism and the Problem of Collective Representation', *Annual Review of Sociology* 27 (2001) 125-152, 133 <doi:10.2307/2678617>.

[60] Ibidem, 130.

[61] Ibidem, 140-142.

domination. The political revolutions in former socialist Europe often intertwined with a culture of liberation. However, as the political landscape evolves, this culture of liberation could potentially shift into a culture of domination. With the fall of the Iron Curtain, Kinnvall's argument of ontological security becomes particularly pertinent. The collapse of socialism in Europe paved the way for large-scale globalisation. As socialist governments were discredited, individuals may have sought ontological security in religion. Friedland's institutional approach is particularly relevant for examining the role of religious institutions in political decision-making. In the next section, the attention is shifted to the manifestations of religious nationalism in post-socialist Central and Eastern Europe.

Post-socialist religious nationalism in Central and Eastern Europe
Nationalism, democracy, and religious freedom were crucial in the protest movements against socialist regimes across Central and Eastern Europe in the 1980s. These factors combined in various ways, shaping the transition and transformation processes in post-socialist societies, resulting in unique paths of religious nationalism in each country. Organised religion, churches, and religious communities played pivotal roles in many post-socialist states as collective actors in these transformation processes. Social protest movements and national identities frequently drew inspiration from religion, and in some instances, fundamentalist values significantly impacted these movements.[62] To fully understand the phenomenon, it is imperative to consider the historical context of nation-state formation and the evolving relationship between nationalism and religion in different post-socialist states. The concept of multiple modernities, once again, offers a meaningful explanation for religious nationalism in the post-socialist states of Europe.

Protestantism, the smallest denomination in the region, was distinctively supportive of imperial rule, and less vigorous in nation-building, because of its emphasis on obedience to civil authorities, and its historical alliance with the state, which provided protection in return for endorsement. Moreover, within Protestantism, faith was often viewed as a personal and private matter rather than a public practice. In former socialist Europe, this branch of Christianity was predominantly found in Estonia, Latvia, and the German Democratic Republic (GDR).

When examining Lutheranism in Estonian nationalism, it becomes evident that there is a distinction between the manifest church, which includes services and societal activities, and a latent Lutheran Church, which is part of civil religion and absorbed into Estonian culture. While church attendance was weak, the Lutheran Church gained importance during the 1970s Russification policy. However, this increased religiosity served more as a symbol of national identity than as genuine religious fervour within the Lutheran Church.[63]

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[62] Willfried Spohn, 'Europeanisation, Multiple Modernities and Religion – The Reconstruction of Collective Identities in Post-Communist Central and Eastern Europe', in: Gert Pickel and Kornelia Sammet ed., *Transformations of Religiosity: Religion and Religiosity in Eastern Europe 1989-2010* (Wiesbaden 2012) 29-50, 33.
[63] Andrew R. Hart, 'The Role of the Lutheran Church in Estonian Nationalism', *Occasional Papers on Religion in Eastern Europe* 13 (1993) 6-12, 10-12.

Conversely, Eastern Germany had already undergone significant secularisation due to German Protestantism and the Nazi dictatorship before state atheism was imposed in the GDR.[64] The *Evangelische Kirche*, traditionally aligned with the state, offered little resistance against state policies. However, opposition was more pronounced in the lower ranks of the Church.[65] The Monday demonstrations in Leipzig in 1989, which developed from peace prayers held at the Nikolai Church, became a significant institution of protest.[66] Despite this, there was no strong connection between the demonstrations and the Church, as the protests initially aimed to humanise the socialist regime rather than assert religious nationalist identity.[67] The nationalist issue of reunification only became central after the fall of the Berlin Wall, shifting the focus of the protests to broader societal change rather than religious motivations.[68]

Catholicism's universal and transnational nature doctrinally discouraged ethno-national autonomy. However, in predominantly Catholic countries like Lithuania, Poland, and Croatia, nation-building processes coincided with increased Catholic vitality. Conversely, in countries with significant Protestant minorities, such as the Czech Republic, Slovakia, Hungary, and Slovenia, Catholic influence in nation-building was contested, leading to weaker Catholic resistance against socialism.[69]

Religious nationalism in Poland developed early due to the intertwined historical narratives linking Catholicism and Polish national identity. The partition of Poland by empires led to territorial fragmentation and fostered a strong connection between Catholicism and nationalism. This connection was consciously cultivated, creating a powerful narrative that linked Poland's geopolitical struggles with a sacred history. This narrative was further reinforced by perceived threats to Catholicism, such as Prussia's actions to close or transfer Catholic premises to accommodate a growing German-Lutheran population.[70] Consequently, Polish national identification with the Catholic Church has been based on a culture of liberation. Pope John Paul II's 1979 visit to Poland strengthened this link by emphasising the inseparable connection between Polish citizens and the Church. He highlighted the Church's role as a unifying force that transcended political

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[64] Spohn, 'Europeanisation, Multiple Modernities and Religion', 40.
[65] Daniel Philpott and Timothy Samuel Shah, 'Faith, freedom, and federation: the role of religious ideas and institutions in European political convergence', in: Timothy A. Byrnes and Peter J. Katzenstein ed., *Religion in an Expanding Europe* (Cambridge 2006) 34-64, 63.
[66] Susanne Lohmann, 'The Dynamics of Informational Cascades: The Monday Demonstrations in Leipzig, East Germany, 1989-91', *World Politics* 47 (1994) 42-101, 67.
[67] Helmut Walser Smith, 'Socialism and Nationalism in the East German Revolution, 1989-1990', *East European Politics and Societies: and Cultures* 5 (1991) 234-246, 234 <doi:10.1177/0888325491005002002>.
[68] Ibidem, 238.
[69] Spohn, 'Europeanisation, Multiple Modernities and Religion', 40-41.
[70] Roger Friedland and Kenneth B. Moss, 'Thinking through Religious Nationalism', in: Ernst van den Hemel and Asja Szafraniec ed., *Words: Religious Language Matters* (New York 2016) 423-466, 432.

divisions and fostered collective identity and resistance against socialist oppression, significantly influencing the Solidarity (*Solidarność*) movement.[71]

In contrast, Hungarian nationalism did not centre around religion as a key component of its national consciousness. Despite Catholicism being the majority religion, the Catholic Church never fully aligned with Hungarian nationalism. During the socialist era, the Church did not play a significant role in preserving national memory or serving as a symbol of resistance.[72] As a result, many religious individuals increasingly distanced themselves from their traditional faith, perceiving it as outdated in today's secular society, and instead embraced secular values.[73]

In both Poland and Hungary, Catholic nationalism is politically leveraged, but in different ways. In Poland, the Catholic Church's authority is "utilised," drawing on deep-rooted traditions and balancing religious and institutional interests.[74] As a result, the Church actively participates in politics and occasionally opposes political actions, despite internal divisions. In Hungary, the Church's authority is "invented" through new patterns, making Churches largely subordinate to political power and aligned with the governing party.[75] These examples indicate that religious nationalism in Catholic countries is strong when the Catholic Church has deep historical and cultural ties to national identity. Conversely, in countries where the Catholic Church lacks a strong historical connection with nationalism, its influence is more limited. Therefore, the strength of religious nationalism in Catholic countries appears to depend on the historical integration of the Church with national identity.

Predominantly Orthodox countries have historically exhibited a close relationship between the state and the church, a concept known in Orthodox theological and political thought as "Symphonia." Symphonia holds that the church and state should complement each other, maintaining mutual respect without either institution trying to dominate the other within a unified power structure. This arrangement results in a closer alignment of nationalism with religion.

In the 19th century Balkans, nationalism emerged as a response to Ottoman rule, and closely intertwined with a desire for cultural and religious autonomy in Orthodox communities. This movement stemmed from the Byzantine tradition of "local churches" (or premodern autocephaly), which recognised the administrative autonomy of individual patriarchates while maintaining communion with the broader Orthodox Christian community.[76] Influenced by the Western model of the church subordinate to the state, nationalists sought to establish their own national churches, subject to the newly formed nation-states. Consequently, movements for

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[71] Gracjan Kraszewski, 'Catalyst for Revolution: Pope John Paul II's 1979 Pilgrimage to Poland and Its Effects on Solidarity and the Fall of Communism', *The Polish Review* 57 (2012) 27-46, 31-33; 35 <doi:10.5406/polishreview.57.4.0027>.

[72] Joanna Kulska, 'The Sacralization of Politics? A Case Study of Hungary and Poland', *Religions* 14 (2023) 525-541, 533 <doi:10.3390/rel14040525>.

[73] Ibidem, 534.

[74] Ibidem, 537.

[75] Ibidem, 536.

[76] Daniel P. Payne, 'Nationalism and the Local Church: The Source of Ecclesiastical Conflict in the Orthodox Commonwealth', *Nationalities Papers* 35 (2007) 831-852, 835 <doi:10.1080/00905990701651828>.

national liberation targeted not only Ottoman rule but also the Œcumenical Patriarch in Constantinople, who pursued ecclesiastical unity through the *millet* system – the administrative framework used by the Ottoman Empire to govern its diverse religious communities – and Grecification.[77]

The concept of autocephaly – where an Orthodox church's head does not report to any higher ecclesiastical authority – emerged as a modern development rooted in 19th-century nationalism, leading to Orthodox churches often being closely tied to the state. This close relationship between church and state has blended national and religious identities, reinforcing nationhood. In Orthodox traditions, religious rituals and practices may not always reflect an individual's personal beliefs; rather, religious identity is often intertwined with national identity.[78] In the case of five centuries Ottoman rule in the Balkans, the Ottoman *millet* system recognised the Orthodox Church as both the spiritual and political representative of the Serbian community. This administrative framework reinforced the Serbian Church's role as the defender of the Serbian nation, making Serbian national and religious identity inseparable.[79]

During the socialist period, the Serbian Orthodox Church enjoyed relatively more freedom compared to churches in Warsaw Pact countries. This era saw a resurgence of Serbian nationalism, with the Serbian Orthodox Church playing a pivotal role in promoting the vision of a "Greater Serbia."[80] The rise of religious nationalism in Serbia prompted a parallel response within the Catholic Church in Croatia. To counter Serbian religious nationalism and assert its own national identity, the Catholic Church in Croatia adopted a semi-official designation as "The Church of the Croats."[81]

Unlike Serbian ethnic-religious nationalism, Russian religious nationalism historically aimed to unify various ethnicities under the banner of Orthodoxy. This approach was closely intertwined with the concept of the "Third Rome," which posits Moscow as the spiritual successor to Rome and Constantinople. It emphasised the idea of a multinational Orthodox Christian empire where different ethnic groups could coexist under a shared religious identity. Historically, Russian religious nationalism aligned with the imperial ambitions of Russia. However, the Bolshevik Revolution of 1917 caused a split, as Soviet authorities established atheism as state ideology. Consequently, the Russian Orthodox Church (ROC) maintained a cautious stance towards state influence, advocating for its own agenda and occasionally opposing state actions perceived as contrary to its values.[82] The ROC sets itself apart from ethnic-religious nationalism by advocating for a broader, more universal understanding of Russian culture and spirituality. Instead of

[77] Ibidem, 833-834.
[78] Metreveli, 'An undisclosed story of roses', 700.
[79] Vjekoslav Perica, 'The politics of ambivalence: Europeanization and the Serbian Orthodox Church', in: Timothy A Byrnes and Peter J. Katzenstein ed., *Religion in an Expanding Europe* (Cambridge 2006) 176-203, 176.
[80] Klaus Buchenau, 'What Went Wrong? Church–State Relations in Socialist Yugoslavia', *Nationalities Papers* 33 (2005) 547-567, 547 <doi:10.1080/00905990500354046>.
[81] Perica, 'The politics of ambivalence', 178.
[82] Anastasia Mitrofanova, 'Russian ethnic nationalism and religion today', in: Pål Kolstø and Helge Blakkisrud ed., *The new Russian nationalism: imperialism, ethnicity and authoritarianism 2000-15* (Edinburgh 2016) 104-131, 108-109.

focussing solely on ethnic or national boundaries, the Church champions an ecclesiastical interpretation of "the Russian World" (*russkii mir*). In this view, the Russian Church serves as a custodian of Russian culture and spirituality worldwide.[83] The Russian model of religious nationalism illustrates that it is a distinct model that contrasts with more ethnically-focussed forms found in other European post-socialist states, underscoring the EU's need to consider diverse expressions of religious and national identity in its approach to religious nationalist movements.

The trajectories of religious nationalism in post-socialist European countries are influenced by the nature of the prevalent religious denomination, though these trends are general. Protestantism, with its emphasis on private faith, largely refrains from political involvement. Catholicism, due to its hierarchical structure and historical political role, leverages its influence to shape public policies. Orthodoxy, with its close ties to the state, is often integral to national identity.

The importance of religious institutions in the early national identity formation is essential. The Catholic Church was key in Polish national identification, linking national and religious struggles. Similarly, the Serbian Orthodox Church underpinned Serbian nationalism against Ottoman rule, and Croatian religious vitality was a response to Serbian religious nationalism. In both Poland and Serbia, religious nationalism intertwined with a culture of liberation and ethnic identity. Conversely, in Hungary, Estonia, and East Germany, weak early national identification with religion resulted in a diminished role for churches. In Russia, Orthodoxy has historically been intertwined with imperial identity, contributing to a complex religious nationalism that unifies spiritual, cultural, ethnic, and historical factors.

The manifestations of religious nationalism exhibit diverse characteristics and are not uniform but are shaped by historically specific trajectories. While there are commonalities across different religious nationalisms, key differences lie in the importance of religious institutions in early national self-identification and the distinct characteristics of various denominations. The examples indicate that religious nationalism in every country has its own unique characteristics. Therefore, both within the EU and in EU enlargement, it is critical to be conscious of these differences in addressing political issues that involve religious nationalists. The following section will examine the unique character of religious nationalism in Georgia, and how Georgia's religious and national identification fits into this broader overview.

National identity formation and religious nationalism in Georgia
The past shapes identity through narratives that are continually constructed and reconstructed to meet present needs. The ways in which actors articulate the past provide insights into their identity concepts and future aspirations.[84] This section examines the development of Georgian religious and national identity. It is crucial to consider not just the historiography of Georgian Orthodox Christianity and

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[83] Ibidem, 110-111.
[84] B. Christophe, 'When is a Nation? Comparing Lithuania and Georgia', *Geopolitics* 7 (2002) 147-172, 156 <doi:10.1080/714000937>.

Georgian nationalism, but particularly how the past is perceived in present-day Georgia. Collective memory, which reflects society's view of its past, often serves current goals and may not be historically accurate. However, it is a vital source of collective identity. To understand Georgian self-identification, we must go back to antiquity.

Georgia has been an early adopter of Christianity, making it the state religion in the Kingdom of Iberia (East Georgia) as early as 337 AD. Due to its strategic location between empires, the Kartvelian (Georgian) peoples were influenced by many external forces but aligned themselves with the Roman world.[85] Over the centuries, despite being surrounded by Islamic empires, the prevailing narrative suggests that Georgia has preserved its identity as a stronghold of Christianity, situated between the Turkish and Persian Empires. However, Georgia's historical relationship with Islam was more complex.[86] From the 14th to the 18th centuries, Georgian territories were closely associated with Islamic empires both culturally and politically. During this period, Georgian royalty adopted Islam, formed marital alliances with Muslim royal families, and conducted official correspondence in Persian.[87] By the 19th century, following its incorporation into the Russian Empire, Georgia's intellectual elite began to absorb European ideas, particularly through Russian universities.[88] This period saw the emergence of the modern concept of nationhood in Georgia, emphasising ethnic identity.[89] Georgian elites portrayed the Georgian Church as firmly anti-Islamic, positioning Georgian Orthodoxy at the forefront of Western civilisation. Priests and martyrs were depicted as important figures in safeguarding Georgian culture during Islamic rule.[90]

Although narratives of the past are constantly negotiated, Georgian history offers a rich foundation for national identity. Georgia boasts a long tradition of statehood, complete with a unique written language and script, and a national Church that used this language.[91] In the 1860s, the "father" of modern Georgian nationalism, Ilia Chavchavadze, built Georgian national identity up out of three components: Fatherland, Language, and Faith. "Fatherland" was intended to replace "Motherland," emphasising a territorial concept of nationhood and national activism, reflecting the contemporary belief that "active" was a masculine trait. The Georgian language served as both an identity marker and a symbol of high national culture and history, becoming the normative and secular language among the many spoken in Georgia. Faith was a more ambivalent component. On the one hand, faith played a vital role in shaping Georgian identity, with many Georgians regarding Orthodox Christianity and the GOC having preserved Georgia within an Islamic

[85] Cyril Toumanoff, *Studies in Christian Caucasian History* (Washington DC 1963) 377.
[86] Stephen F. Jones, 'Georgia: Nationalism from under the rubble', in: Lowell Barrington ed., *After Independence: Making and Protecting the Nation in Postcolonial and Postcommunist States* (Ann Arbor 2006) 248-276, 253.
[87] Stephen Jones, 'The Role of Cultural Paradigms in Georgian Foreign Policy', in: Rick Fawn ed., *Ideology and National Identity in Post-Communist Foreign Policy* (London 2003) 86.
[88] Ibidem, 88.
[89] Jones, 'Georgia: Nationalism from under the rubble', 253-254.
[90] Jones, 'The Role of Cultural Paradigms in Georgian Foreign Policy', 86.
[91] Ghia Nodia, 'Components of the Georgian national idea: an outline', *Identity Studies* 1 (2010) 84-101, 86.

neighbourhood.[92] However, religion did not align well with distinguishing Georgian identity from its imperial master Russia. Moreover, Russia's incorporation of the GOC into the ROC in 1811 reduced the GOC's ability to serve as a strong foundation for Georgian national identity.[93]

Despite the perceived close relationship between church and state in pre-modern Georgia, religion remained a weak component in modern Georgian nationhood. After the Bolsheviks took over in Russia, the short-lived independent Democratic Republic of Georgia (1918-1921) emerged as a socialist state modelled on European social democracies such as Germany and Austria.[94] Although the GOC regained autocephaly in 1917, the Georgian Social Democrats were distrustful of churches, viewing them as ideological instruments of tyranny. They sought to minimise the Church's influence in society by confiscating Church property, nationalising seminaries, and prohibiting religious teaching in schools.[95] During the Soviet era, atheist propaganda, state-sponsored persecution, and rapid urbanisation severely reduced the number of active religious believers.[96] The government's stance towards the church significantly shaped the fate and existence of the GOC.[97] Despite recognition of autocephaly by the Soviets and the ROC, the GOC was subjugated as an instrument of Soviet religious policy.

During the Brezhnev era, two varieties of Georgian nationalism emerged: top-down and bottom-up nationalism. Shevardnadze's leadership from 1972 to 1985 embodied the top-down approach. He aimed to reconcile Moscow's demands with growing national discontent by granting cultural and academic elites more room to express their Georgian identity. This strategy was a calculated political manœuvre to maintain control while appeasing national sentiments. In contrast, dissident movements represented the bottom-up approach. These movements emerged organically from broader societal forces seeking to protect Georgian language, culture, and autonomy. Driven by individuals and grassroots groups advocating for nationalist ideals, they challenged Soviet control. Over time, the lines between top-down directives and grassroots movements blurred. In 1978, Shevardnadze's willingness to compromise and accommodate nationalist demands against Russification reflected a recognition of the growing strength of grassroots nationalism. Subsequently, dissidents, initially opposing Soviet ideology, shifted their focus towards collective identity, aligning with the top-down nationalist agenda promoted by Shevardnadze.[98]

During the same period, Ilia Shiolashvili (Ilia II), who became the Catholicos-Patriarch of the GOC in 1977, initiated a programme of renewal. Ilia II

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[92] Ibidem, 90.

[93] Ibidem, 88-91.

[94] Stephen F. Jones, 'The Democratic Republic of Georgia, 1918–21', in: Christofer Berglund et al. ed., *Language and society in the Caucasus: understanding the past, navigating the present* (Lund 2021) 126-146, 127-128.

[95] Dimitry Gegeneva, 'Church-State Relations in the Democratic Republic of Georgia (1918-1921)', *Studia z Prawa Wyznaniowego* 21 (2018) 255-269, 259-262 <doi:10.31743/spw.184>.

[96] Stephen F. Jones, 'Soviet religious policy and the Georgian Orthodox apostolic Church: From Khrushchev to Gorbachev', *Religion in Communist Lands* 17 292-312, 294 <doi:10.1080/09637498908431439>.

[97] Anania Japaridze et al., *A Short History of the Georgian Church* (New York 2014) 85.

[98] Oliver Reissner, 'Georgia and its new national movement', in: Egbert Jahn ed., *Nationalism in Late and Post-Communist Europe* II (Baden-Baden 2009) 240-266, 243-245.

emphasised the need to eradicate corruption within the church and improve its organisation. Under his leadership, the church's structure was strengthened, and he was appointed as one of the six presidents of the World Council of Churches, elevating his status both domestically and internationally. Notably, while openly loyal to the Soviet regime, Ilia II demonstrated a non-subservient stance, as evidenced by his signing of a statement condemning the Soviet invasion of Afghanistan.[99] In August 1981, the GOC held a service commemorating the three-year anniversary of the 1978 demonstrations in Mtskheta, the ancient capital of Georgia, thereby linking religion and Georgian nationalism as sources of resistance.[100] During the mass demonstrations of 1988-89, Patriarch Ilia II played a moderate yet influential role. He criticised the authorities' refusal to reopen several churches in more distant districts, emphasising the church's position as a defender of the Georgian nation and culture. Simultaneously, Ilia II praised Georgian leaders and urged moderation to avoid alienating the government. The killing of protesters on 9 April 1989 eroded trust in the communist party, while the church became the focal point of mourning. As the only institution retaining significant public trust, the GOC filled a void left by ideological communism.[101] Consequently, the church's moral authority and cultural significance provided a rallying point for nationalist sentiments and shaped the trajectory of Georgia's struggle for independence.

Religion is an integral part of Georgian nationalism. Historically, Georgians have identified Georgia as an Orthodox outpost surrounded by Islamic empires, meaning that Georgian nationalism has a long early self-identification with religion. Ilia Chavchavadze, the father of the Georgian nation, also emphasised faith as a key component of Georgian national identity. This mirrors religious nationalism in other Orthodox countries, where religious and national identities are closely intertwined. The long-standing and early self-identification with the Church, the Church's role in Georgian independence, and the fusion of religious and national identities provide a strong foundation for religious nationalism in Georgia. This religious nationalism is centred on ethnicity. During the Brezhnev era, the religious revival in Georgia was closely linked to the preservation of Georgian culture and was characterised as a culture of liberation. Given the importance of religion and the GOC in Georgia regaining independence, religious nationalism is particularly strong in Georgia. However, this strong extent of religious nationalism in independence allowed elements for Georgian religious nationalism to transform into a culture of domination.

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[99] Jones, 'Soviet religious policy and the Georgian Orthodox apostolic Church', 304-306.
[100] Pedro Ramet, 'The Interplay of Religious Nationalities Policy in the Soviet Union and Eastern Europe', in: Pedro Ramet ed., *Religion and Nationalism in Soviet and East European Politics* (Durham 1984) 3-31, 27.
[101] Renata Król-Mazur, 'The role of the Georgian Apostolic Autocephalous Orthodox Church in conflicts in the South Caucasus', *Studia z Dziejów Rosji i Europy Środkowo-Wschodniej* 51 (2016) 117-152, 121 <doi:10.12775/SDR.2016.EN2.05>.

II.   The EU's neutrality towards religion: dependence on its legal framework

We need a heart and a soul. The door is open for whoever can offer a heart and a soul.

This is Jacques Delors' appeal to churches in 1990.[102] Until then, the EU has primarily focussed on material issues, but religion had not been entirely absent. On the contrary, the cultural roots of European integration are strongly linked with Christianity. Having established the foundations of religious nationalism in Georgia and its significant influence in Georgian identity, this chapter turns to assess the role of religion within the EU and how the EU addresses religious issues. Studying how the EU addresses religion is crucial for maintaining unity among its diverse member states, ensuring that its policies respect both religious freedoms and secular principles, especially in areas where secular and religious values often clash.

The chapter begins by exploring the EU's historical and legal relationship with religion. It then examines the perspectives of two scholars with opposing views on the involvement of religious organisations within the EU, accentuating the contested nature of religion within the EU framework. Finally, the chapter analyses the EU's practical approach to religious issues, focussing on the legal precedent set by the Coman case. Special attention is given to the response of religious nationalists in Romania, where religious nationalist movements share notable similarities with those in Georgia.

The Catholic roots of European integration

One historical, mythical, and quasi-religious narrative supporting European integration is the Christian Democratic interpretation of *Abendland*. This ideology evokes the pre-national mediæval Christian order, positioning it as a bulwark against both the "heathen" Soviets and American liberalism. The term *Abendland*, referring to Western civilisation, was popularised by Oswald Spengler in his seminal work *Der Untergang des Abendlandes* (The Decline of the West). For many Christian Democrats, the Carolingian Empire symbolised a historical model of a unified Europe that the Schuman Plan sought to achieve in a modern context. The influence of this idea extended beyond Christian Democrat circles, as exemplified by the International Charlemagne Prize, awarded annually to individuals or organisations for outstanding contributions to European unity and cooperation.[103]

Post-Second World War *Abendland* ideology had a varied appeal for Christian Democrats. Firstly, it offered a vision of spiritual renewal and European revival, countering the secular ideologies that had contributed to the devastation of war. Secondly, it provided a framework for addressing the question of Germany's place in Europe by promoting Western European unity as a means of overcoming divisions and reconciling with France. Furthermore, the *Abendland* ideology

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[102] Laurens Hogebrink, *Europe's Heart and Soul: Jacques Delors' Appeal to the Churches* (Geneva 2015) 11.

[103] Rosario Forlenza, 'The Politics of the *Abendland*: Christian Democracy and the Idea of Europe after the Second World War', *Contemporary European History* 26 (2017) 261-286, 267-268 <doi:10.1017/S0960777317000091>.

proposed a model of European supranationalism that aimed to transcend nationalism through a shared religious foundation. Christian Democrats were particularly attracted to this vision for its emphasis on order, hierarchy, and a non-nationalist form of patriotism.[104] Besides, Konrad Adenauer had a European policy based on protecting 'the cultural values of *das christliche Abendland*.'[105]

Konrad Adenauer, Charles de Gaulle, and Alcide de Gasperi envisioned a Europe united by its common Christian-humanist heritage, rooted in the principles of subsidiarity and personalism derived from Catholic social thought.[106] Subsidiarity reflects the idea that decisions should be made as closely as possible to the people they affect, while personalism emphasises the inherent dignity and value of each individual. Although these leaders were devout Catholics and were inspired by a shared Christian heritage, their goal was not to restore a Christian Europe.[107] Instead, their support for European cooperation was driven by more practical concerns. For example, Robert Schuman's idea of the European Coal and Steel Community (ECSC) was less about his Catholic faith and more a response to U.S. pressure to rebuild German heavy industry. The ECSC also provided Adenauer with a means to alleviate French concerns over the Ruhr, Saarland, and Germany's future membership in the Council of Europe.[108]

Although a Christian conception of European integration was instrumental for the Christian Democratic politicians in pioneering European integration in the 1950s, the EU has primarily focussed on material and secular matters since its inception. Early governing treaties made little to no reference to religion, reflecting the belief that religious concerns were not directly relevant to the EU's primary agenda of establishing common markets. Identity and religion were not initially prioritised, as the focus was on pragmatic goals: rebuilding Europe's economy and preventing further conflicts.

The EU's legal relationship with religion

While elements of identity became formalised a part in the European integration project with the adoption of the Declaration on European Identity at the 1973 Copenhagen Summit, there was no explicit policy by the European Commission (Commission) towards religious communities until 1990. This changed when a delegation led by Jacques Delors met with Protestant and Anglican Church leaders.[109] Up to that point, the EU had predominantly focussed on practical matters. However, the unexpected collapse of socialism, the reunification of Germany, and the negotiations for the Treaty of Maastricht posed fundamental questions about the future direction of European integration. These developments

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[104] Ibidem, 271-276.

[105] Mathieu Segers, *The Netherlands and European Integration, 1950 to Present* (Amsterdam 2020) 112.

[106] Forlenza, 'The Politics of the *Abendland*', 268-269.

[107] Michael Sutton, 'Political realism and Roman Catholic faith in the construction of Europe: Konrad Adenauer, Robert Schumann and Charles de Gaulle', in: Lucian N. Leustean ed., *Representing Religion in the European Union: Does God matter?* (Abingdon 2014) 35-46, 39.

[108] Ibidem, 43, 41.

[109] Effie Fokas, 'Religion: Towards a Postsecular Europe?', in: Chris Rumford ed., *The SAGE Handbook of European Studies* (London 2009) 401-419, 408; Laurens Hogebrink, *Europe's Heart and Soul: Jacques Delors' Appeal to the Churches* (Geneva 2015) 13.

sparked debates on whether to deepen integration within the existing framework or to expand it to include formerly socialist countries. Furthermore, discussions surrounding Economic and Monetary Union, and European Political Union stressed the need for stronger cooperation in political, economic, and social domains. As a result, religion gained importance as European leaders sought to engage regularly with diverse societal actors, including churches, to address these challenges and redefine the purpose and trajectory of European integration.[110]

The concept of European identity was formally incorporated into the Maastricht Treaty through a chapter on culture. Article 128, paragraph 1, states that 'the Community shall contribute to the flowering of the cultures of the member states, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore.'[111] This article highlights two key principles: subsidiarity and pluralism. Subsidiarity is reflected in the recognition and respect for the cultural autonomy of each member state. At the same time, by emphasising the importance of showcasing the common cultural heritage of member states while respecting national and regional diversity, the EU demonstrates its commitment to pluralism, and the value it places on diverse cultural expressions and identities within its borders.

The EU maintains neutrality on religious matters through the concept of subsidiarity, ensuring that religious issues are primarily addressed at the national level. This effectively means that the EU has no competence in religion, and does not directly involve itself in religious issues. However, this neutrality can create tensions with the principle of pluralism, showcasing the common cultural heritage. In this context, *de facto* and *de jure* distinctions come into play. On the one hand, subsidiarity suggests that issues best handled at the national level should be left to national authorities without EU interference. On the other hand, while the EU remains neutral on religion and philosophical convictions, it actively promotes pluralism and seeks to create environments within member states that foster diversity and safeguard religious freedom. Tensions arise when national approaches to religious matters conflict with the EU's goal of nurturing pluralism, potentially leading to conflicts between subsidiarity and pluralism in specific cases.[112]

Delors' initiative of establishing regular meetings with religious and convictional communities has been institutionalised in the Treaty on the Functioning of the European Union (TFEU). In 1997, the EU acknowledged the legal status of religious communities through Declaration 11 attached to the Treaty of Amsterdam. A revised version of this declaration was later included in Article 17 of the TFEU, which institutionalised the EU's *de jure* neutrality towards religious and convictional communities.'[113] Article 17 reads as follows:

1. The Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States.
2. The Union equally respects the status under national law of philosophical and non-confessional organisations.

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[110] Hogebrink, *Europe's Heart and Soul*, 19-23.
[111] 'Treaty on the Functioning of the European Union', No C 191 (Maastricht 1992) 24.
[112] Fokas, 'Religion: Towards a Postsecular Europe?', 408-409.
[113] Lucian N. Leustean, 'Does God matter in the European Union?', in: Lucian N. Leustean ed., *Representing Religion in the European Union: Does God matter?* (Abingdon 2013) 1-31, 4.

3. Recognising their identity and their specific contribution, the Union shall maintain an open, transparent and regular dialogue with these churches and organisations.[114]

The EU regards religion as a national competence. However, this does not mean that the EU and religious institutions do not influence each other.

Scholars have debated the impact of Article 17 on the influence of religious organisations. David Pollock, former President of the European Humanist Federation, views Article 17 as a tool that allows churches to exert significant influence over EU policy. He argues that this influence runs counter to EU values such as human rights, equality, and non-discrimination, enabling churches to impose their religious doctrines and moral codes on the broader population. Firstly, Pollock criticises the subsidiarity principle outlined in Article 17(1), which he believes exempts churches from EU non-discrimination laws in member states. This provision effectively grants churches autonomy in managing their internal affairs without interference from EU legislation. Additionally, Article 17(1) protects concordats between the Vatican and various states, as well as national arrangements that provide churches with substantial public subsidies in many European countries. Secondly, Pollock argues that Article 17 gives preferential treatment to religious organisations over other non-governmental organisations (NGOs) in consultations with civil society. While religious groups receive special privileges in these consultations, other NGOs – despite often having more directly relevant expertise – are relegated to standard consultation procedures. Thirdly, Pollock points out that non-religious organisations are disadvantaged because religious institutions have historically amassed considerable power and resources through state subsidies, a privilege less available to secular organisations. Additionally, the sheer number of religious organisations, driven by their social involvement, further amplifies their influence.[115]

Pollock contends that Article 17 came into existence through lobbying efforts by Christian organisations such as the Holy See, COMECE, and CEC. When the Commission's President Romano Prodi invited proposals, these religious groups responded with a set of recommendations that included pre-legislative consultation procedures, regular dialogue seminars, working sessions on specific issues, presidential-level meetings, and the establishment of a liaison office within the Commission. According to Pollock, these proposals were designed to give religious organisations significant influence over EU affairs, enabling them to comment on legislation, raise concerns, and establish partnerships with the Commission.[116]

According to Piotr Mazurkiewicz, while religious organisations may exert considerable influence within the secular EU, EU law can also negatively impact religious communities. Article 17 of the TFEU, by recognising the principle of subsidiarity, implies that the EU has no direct competency in religious matters. However, despite this provision in primary law, concerns arise when EU legislation inadvertently intersects with religious practices or beliefs, potentially leading to conflicts or complications. Rather than directly addressing religious issues, EU

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[114] 'The Treaty on the Functioning of the European Union', C 115 (Lisbon 2008) 55.
[115] David Pollock, 'Article 17: Reasons for concern', in: Lucian N. Leustean ed., *Representing Religion in the European Union: Does God matter?* (Abingdon 2013) 122-135, 124-127.
[116] Ibidem, 128-129.

institutions often frame them within the scope of areas under their jurisdiction. For example, education is treated as a service, abortion pills as a consumer health concern, and ritual animal slaughter as an environmental protection issue.[117]

Mazurkiewicz also expresses concerns regarding Article 17(2). Firstly, discussions between religious and secular organisations often result in conflicting demands, making consensus difficult. Secondly, despite the fact that approximately 50% of EU citizens are Catholic, practical measures to ensure fair representation are lacking, as Catholic representatives are given the same amount of time as smaller non-confessional organisations. Thirdly, when neutrality is interpreted as giving equal weight to every statement, regardless of the size or significance of the represented entity, it can lead to smaller groups exerting disproportionate influence, overrepresenting marginal voices.[118]

Mazurkiewicz further argues that EU court rulings encroach on the rights of religious organisations. For example, in the harmonisation of European law through jurisprudence, the Court of Justice of the European Union (CJEU) adopted a legal definition of the human embryo in the Brüstle vs. Greenpeace case regarding the patenting of neural precursor cells derived from human embryos. By establishing this legal definition, the EU sets a norm that clashes with the beliefs of religious communities, particularly in candidate countries with significant religious nationalism, as it diverges from their understanding of the sanctity of human life and must be adopted in their legislation.[119]

Pollock and Mazurkiewicz hold fundamentally opposing views on the role of religion in a European context. Pollock advocates for a secular approach, arguing for minimal religious influence in policy-making and viewing religious privileges as problematic. A critique of his secularist stance is that it overlooks the EU's commitment to pluralism, a core value that recognises and respects diverse beliefs within the Union. Conversely, Mazurkiewicz supports the integration of religious perspectives into public policy, emphasising the protection of religious rights and criticising secular policies that conflict with religious practices. However, as Fox and Sanders argue, these religious rights do not necessarily reflect the convictions of all members within religious communities, and therefore might be questionable. This divergence in views on religion mirrors the broader spectrum of beliefs across the EU population, where some hold religious values in high regard while others advocate for strict secularism. This dichotomy highlights a significant challenge within the EU: balancing secularism with religious pluralism.

Case selection

Clashes between secular and religious values within the EU are by no means specific to Eastern member states, or members with an Orthodox majority. As has been shown, religious values have always played an important role in European integration. Within the EU there have been many cases where religious nationalism and European institutions have clashed over moral issues, such as in the 2010 ruling on the *A, B and C v Ireland* case, in which the European Court of Human Rights

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[117] Piotr Mazurkiewicz, 'Policy on Religion in the European Union', *Religions* 11 (2020) 534-555, 537-538 <doi:10.3390/rel11100534>.
[118] Ibidem, 540-541.
[119] Ibidem, 544-548.

(ECtHR) justified a broad margin of appreciation for Ireland's strict abortion laws, because of the lack of consensus among European states on when life begins, but recognised an emerging European consensus favouring women's rights.[120] Also, in the *Lautsi v Italy* case concerning crucifixes in public schools in Italy, the ECtHR Chamber initially ruled in favour of Lautsi, because of the need for state neutrality in education, but the Grand Chamber overturned this later, allowing Italy a margin of appreciation to maintain cultural traditions in schools.[121]

However, for the scope of this thesis, attention is focussed on the Eastern Enlargement (of 2004 and 2007) which largely coincided with the draw up and signing of the TFEU. The inclusion of predominantly Orthodox countries during the Eastern Enlargement brought diverse, often more conservative religious traditions into the EU, which was something Delors was aware of in 1991.[122] There are more similarities between EU Orthodox majority member states and Georgia. The long periods of foreign domination, the Church's central position in national identity and public life, evolving legal systems with ongoing reforms influenced by histories of socialism and transition to democracy, and generally more conservative societal attitudes, present the implications of the EU's principles of subsidiarity and pluralism differently than in the EU's western member states. For these reasons attention is focussed on the Coman case in the next section.

The Coman case (C-673/16)
In the Coman case, the tension between EU individual rights and Romanian national legislation became prominent. The case specifically highlights the conflict between the right to free movement and residence within the EU and national laws that do not recognise same-sex marriages. This section will first provide a brief summary of the case, followed by an analysis of how various EU institutions have responded to the court ruling. Finally, the implications of this ruling for the EU's approach to religious nationalism is assessed.

Mr Relu Adrian Coman, a dual Romanian-US citizen, and his husband, Mr Robert Clabourn Hamilton, a US citizen, wished to settle permanently in Romania. The couple lived together in New York from 2005 until 2009, when Mr Coman moved to Belgium to work in the European Parliament (Parliament). They married in Brussels in 2010.[123] In 2012, they enquired with the Romanian General Inspectorate for Immigration about Mr Hamilton's right to reside in Romania as Mr Coman's spouse under Directive 2004/38 Article 7, which grants residence rights to non-EU family members of Union citizens.[124] The Directive defines "family member" to include "the spouse" of a Union citizen in Article 7(4).[125] Whereas the Romanian Constitution uses gender-neutral language regarding "family," the

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[120] *A, B and C v. Ireland - 25579/05 [2010] ECHR 2032*, (2010) Art. 237 [http://www.bailii.org/eu/cases/ECHR/2010/2032.html] (Accessed: 10-06-2024).
[121] Birgit Schlütter, 'Case Analysis Crucifixes in Italian Classrooms: Lautsi v Italy', *European Human Rights Law Review* 6 (2011) 86-92, 87-89.
[122] Hogebrink, *Europe's Heart and Soul*, 77.
[123] *Judgment of 5. 6. 2018 — Case C-673/16 Coman and Others*, (2018) par. 9 [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:62016CJ0673] (Accessed: 11-06-2024).
[124] Ibidem, par. 11.
[125] 'Directive 2004/38/EC of the European Parliament and of the Council', *Official Journal of the European Union* (2004) L 158/95.

Romanian authorities denied Mr Hamilton's residency request, citing the Romanian Civil Code, which explicitly defines marriage as a union between a man and a woman and prohibits same-sex marriages, including those contracted abroad.[126] Mr Coman, Mr Hamilton, and the Romanian LGBTIQ organisation Asociația Accept challenged the decision, claiming discrimination based on sexual orientation and arguing the Romanian Civil Code was unconstitutional. The Romanian Constitutional Court referred the case to the CJEU to determine if a Union citizen can have family reunification rights with a same-sex spouse under EU law after exercising free movement rights.[127]

In its judgment, the Court first addressed whether the term "family members" under EU law includes a same-sex spouse of an EU citizen when the marriage is legally recognised in an EU member state. Directive 2004/38 defines a "spouse" as a family member without specifying gender, making the term gender-neutral and therefore inclusive of same-sex spouses.[128] The Court noted that, while the recognition of registered partnerships depends on the laws of the member state where the EU citizen resides, the directive does not defer to national laws concerning marriages. This means that a member state cannot refuse to recognise a same-sex marriage legally performed in another member state simply because its own laws do not permit same-sex marriage.[129]

Although member states retain the right to determine their own marriage laws, they must also comply with EU law, including the right to freedom of movement for EU citizens. Allowing countries to deny residence rights based on national marriage laws would undermine this freedom and create inconsistencies across the EU.[130] Some governments, including those of Poland and Hungary, have argued that maintaining the traditional concept of marriage as a union between a man and a woman is fundamental to their national identity, and they contend that the EU should respect this.[131] However, recognising a same-sex marriage from another member state solely to grant residence does not undermine the institution of marriage, because it does not require the member state to change its laws; it only needs to acknowledge the marriage for EU law purposes.[132]

Therefore, if an EU citizen legally resides in another EU country and marries a same-sex partner there, the authorities in their home country cannot refuse to grant residence rights to the spouse based on national laws that do not recognise same-sex marriages. Such a refusal would violate the EU citizen's right to move and reside freely within the EU, as protected under Article 21(1) TFEU.[133]

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[126] *Judgment of 5. 6. 2018 — Case C-673/16 Coman and Others*, Par. 11-12; Dimitry Vladimirovich Kochenov and Uladzislau Belavusau, 'After the celebration: Marriage equality in EU Law post- *Coman* in eight questions and some further thoughts', *Maastricht Journal of European and Comparative Law* 27 (2020) 549-572, 554 <doi:10.1177/1023263X20962749>.
[127] Alina Tryfonidou, 'The ECJ recognises the right of same-sex spouses to move freely between EU Member States: the Coman ruling', *European Law Review* 44 (2019) 663-679, 663-664.
[128] *Judgment of 5. 6. 2018 — Case C-673/16 Coman and Others*, Par. 33-35.
[129] Ibidem, Par. 36.
[130] Ibidem, Par. 37-39.
[131] Ibidem, Par. 41-42.
[132] Ibidem, Par. 45.
[133] Ibidem, Par. 51.

In the Coman case, the CJEU was compelled to interpret the term "spouse." By choosing to define "spouse" as gender-neutral, the Court effectively required Romania to recognise same-sex marriages, at least in the context of ensuring equality in freedom of movement and residence within the EU. This ruling indicates a prioritisation of the EU's fundamental rights over national legislation that is informed by religious or traditional interpretations of marriage.[134] While the court ruling acknowledges national autonomy, it is clearly conditioned by the requirement to comply with EU law.[135] The Court sought to balance respect for national identity with adherence to EU principles by considering whether Romanian national identity was fundamentally threatened, ultimately concluding that it was not in this case.[136]

Coman case in European Commission sources

By interpreting "spouse" as gender-neutral and ruling that same-sex marriages cannot impede the freedom of movement and residence, the CJEU in the Coman case appears to have challenged fundamental principles for religious nationalists in Romania. This perspective is supported by other EU sources. For instance, on 12 November 2020 in its communication on the LGBTIQ Equality Strategy 2020-2025, with regard to the Free Movement Directive, the Commission emphasised the importance of proper enforcement of free movement laws, particularly in addressing challenges that prevent LGBTIQ individuals and their families from fully exercising their rights. It pledged to engage in discussions with member states to ensure the implementation of the Coman judgment, and, if necessary, to pursue legal action.

Additionally, the Commission announced plans to review the 2009 guidelines on free movement in 2022 to enhance legal clarity and facilitate the exercise of free movement rights for all families, including those in same-sex marriages. The Commission also committed to ensuring strict enforcement of cross-border family law for rainbow families (families that include LGBTIQ parents) by increasing its focus on monitoring the implementation of relevant provisions.[137]

On the same day, Commissioner Helena Dalli stated in her speech on the LGBTIQ Equality Strategy:

> Our societies must also be inclusive. We will therefore ensure that case law such as the Coman case regarding the coverage of same sex partners and the definition of spouses within the freedom of movement directive is implemented by all Member States.[138]

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[134] Ibidem, Par. 34.
[135] Ibidem, Par. 36.
[136] Ibidem, Par. 42-45.
[137] European Commission (2020) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions :Union of Equality: LGBTIQ Equality Strategy 2020-2025, COM (12 November 2020) 698 final, 14-15, [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0698] (Accessed: 13-06-2024).
[138] Helena Dalli, 'Speech by Commissioner Dalli: Union of Equality: LGBTIQ Equality Strategy 2020-2025', Speech (12 November 2020), [https://ec.europa.eu/commission/presscorner/api/files/document/print/en/speech_20_2126/SPEECH_20_2126_EN.pdf] (Accessed: 14-06-2024).

The significance of the Coman case is further underscored by its inclusion in the Commission's 2023 Guidance on the right of free movement of EU citizens and their families, which highlights it as a landmark case.[139] In summary, the European Commission is actively working to implement the implications of the Coman ruling, reinforcing the commitment to equality and non-discrimination. The Commission's approach tends to prioritise the enforcement of its fundamental rights over accommodating religious nationalist perspectives.

Coman case in European Parliament sources
Despite the Commission's stated commitment to implementing the Coman ruling, its inaction speaks louder than its words. While the Commission has outlined steps on paper, European Parliament resolutions indicate a lack of concrete action to ensure that the Romanian government complies with the CJEU's decision in the Coman case. Between the judgment on 5 June 2018 and June 2024, the Parliament included the Coman ruling in six resolutions.

In its February 2019 resolution, the Parliament urged the Commission to ensure freedom of movement for all families, in line with the Coman ruling.[140] This call was reiterated in the December 2019 resolution, where the Parliament also encouraged member states to enact laws granting same-sex marriages the same legal recognition and rights as heterosexual marriages.[141] In September 2021, the Parliament further pressed the Commission to verify whether member states were adhering to the Coman decision and to initiate enforcement procedures against those failing to comply, explicitly highlighting Romania's ongoing noncompliance.[142]

The Parliament's March 2022 resolution expressed concern that rainbow families continue to face obstacles to free movement within the EU due to the lack of harmonisation in national laws regarding same-sex marriage.[143] The May 2022 resolution stressed the importance of implementing the Coman judgment to prevent human rights violations and maintain trust in the judiciary. Additionally, the Parliament noted that the Commission's failure to enforce the ruling had forced the plaintiffs to seek redress at the ECtHR.[144]

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[139] 'Commission Notice: Guidance on the right of free movement of EU citizens and their families', *Official Journal of the European Union* (2023) 11-12 [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52023XC01392] (Accessed: 17-06-2024).
[140] 'European Parliament resolution of 14 February 2019 on the future of the LGBTI List of Actions (2019-2024) (2019/2573(RSP))', (Brussels 2019), [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52019IP0129] (Accessed: 17-06-2024).
[141] 'European Parliament resolution of 18 December 2019 on public discrimination and hate speech against LGBTI people, including LGBTI free zones (2019/2933(RSP))', (Brussels 2019), [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52019IP0101] (Accessed: 17-06-2024).
[142] 'European Parliament resolution of 14 September 2021 on LGBTIQ rights in the EU (2021/2679(RSP))', (Brussels 2021), [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021IP0366] (Accessed: 17-06-2024).
[143] 'European Parliament resolution of 10 March 2022 on the EU Citizenship Report 2020: empowering citizens and protecting their rights (2021/2099(INI))', (2022), [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022IP0081] (Accessed: 17-06-2024).
[144] 'European Parliament resolution of 19 May 2022 on the Commission's 2021 Rule of Law Report (2021/2180(INI))', (Brussels 2022) [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022IP0212] (Accessed: 17-06-2024).

In the September 2022 resolution, the criticism was directed explicitly at the Commission. The Parliament 'stresses that the Commission's inaction has resulted in the Coman and Hamilton plaintiffs bringing the case to the ECtHR in an attempt to secure legal redress.'[145] The December 2022 resolution built on these prior calls, incorporating feedback from workshops and reports, while once again urging the Commission 'to ensure protection LGBTIQ+ rights in line with the [CJEU's] judgments.'[146]

The chronological progression of these resolutions clearly demonstrates that the European Parliament has been consistent and increasingly urgent in its calls for the Commission to take decisive action on the Coman case. Despite these persistent demands, there is evident frustration over the Commission's perceived inaction, particularly regarding the enforcement of the ruling against non-compliant Member States like Romania. The resolutions suggest that the Commission has been slow or hesitant in enforcing the Coman judgment, prompting the plaintiffs to seek legal remedies at the ECtHR. The Parliament's repeated appeals underscore its deep concern over the inadequate enforcement of EU law and the protection of rainbow families' rights, revealing that the Commission has fallen short of the Parliament's expectations. Although the Commission appears to support inclusive policies related to the Coman case, it has not effectively implemented the implications of the ruling. The Commission's restraint may be explained by its effort to balance respect for national sovereignty with the enforcement of EU law, as it seeks to avoid being perceived as infringing on national sovereignty, thereby balancing its commitment to equality with the principle of subsidiarity.

Members of European Parliament (MEPs) from the Renew party, led by Sophia in 't Veld, have sought clarification through a written question to the Commission, asking how the Commission intends to ensure that member states, particularly Romania, implement the Coman judgment, what time frame is deemed appropriate, and whether the Commission acknowledges its duty to enforce CJEU case law.[147] In response, the Commission stated that it has addressed member states by 'suggesting/asking for possible amendments to align their national legislation with the judgment.' The Commission further noted that the Romanian Constitutional Court recognised the Coman judgment, ruling that Romanian laws banning same-sex marriage are constitutional only if they respect the right of residence for same-sex spouses under EU law. The Commission referenced Article 267 TFEU, indicating that it does not provide specific guidelines for implementing judgments from preliminary rulings, which suggests that while the Commission is taking steps to encourage compliance, the legal framework limits its ability to enforce judgments directly. In making this statement, the Commission asserts that Romania follows EU laws governing freedom of movement. Actual implementation

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[145] 'European Parliament resolution of 15 September 2022 on the situation of fundamental rights in the European Union in 2020 and 2021 (2021/2186(INI))', (Brussels 2022), [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022IP0325] (Accessed: 17-06-2024).
[146] 'European Parliament resolution of 15 December 2022 on the outcome of the Committee on Petitions' deliberations during 2021 (2022/2024(INI))', (Brussels 2022), [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022IP0451] (Accessed: 18-06-2024).
[147] Sophia in 't Veld et al., 'Parliamentary question - E-004160/2021' (09-09-2021) [https://www.europarl.europa.eu/doceo/document/E-9-2021-004160_EN.html] (Accessed: 18-06-2024).

rests with member states, unless the Commission initiates infringement procedures under Article 258 TFEU for non-compliance.[148]

The Parliament resolutions may give the impression of supporting the Commission's intervention in Romania's Constitutional Court. However, it is important to note that Parliament resolutions require negotiation and consensus, which often masks underlying divisions. In reality, the Parliament has been quite divided on the Coman case. This division is evident in another written question to the Commission, where various MEPs from the European People's Party (EPP) have raised concerns. They questioned the legal basis on which the Commission calls for the automatic recognition of foreign legal orders concerning marriage. Furthermore, they asked how the Commission reconciles its stance with the constitutions of member states that define marriage as a union between a man and a woman, and whether national referenda and parliamentary acts that uphold this definition will continue to be possible and respected by the EU. These MEPs argue that the Commission's position lacks a democratic mandate.[149]

The division within the European Parliament is further accentuated in a verbatim report of proceedings where the Coman case, though not directly discussed, was relevant to the broader issue of legal protection for rainbow families exercising their right to free movement. Supporters of such protection argue that the EU has a legal basis under the Free Movement Directive and CJEU rulings, including the Coman case, to ensure that the rights of rainbow families are respected across the Union. They advocate for the Commission to initiate infringement procedures against non-compliant member states, a position predominantly supported by progressive and left-wing groups such as the European Green Party (EGP). Dutch MEP Kim van Sparrentak, for example, stated: 'We need to make sure national authorities listen to these rulings of the European Court of Justice […], but we also need to move fast on new legislation for […] all our rainbow families, because what we want is equality.'[150]

On the other hand, opponents argue that marriage and family laws are matters of national sovereignty and should be determined by individual member states through their democratic processes. They express concerns that ideological motivations are driving the calls for EU intervention. This perspective is mainly represented by conservative and right-wing factions, such as the European Conservatives and Reformists (ECR). MEP François-Xavier Bellamy of the EPP eloquently articulated this opposition, stating:

> en fait, à travers cette réglementation, la Commission veut simplement imposer à tous les États membres un changement qui ne relève en rien de sa compétence […].

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[148] Helena Dalli, 'Parliamentary question - E-004160/2021(ASW)' (16 November 2021), [https://www.europarl.europa.eu/doceo/document/E-9-2021-004160-ASW_EN.html] (Accessed: 18-06-2024).

[149] Marijana Petir et al., 'Parliamentary question - P-000101/2018' (10 January 2018), [https://www.europarl.europa.eu/doceo/document/P-8-2018-000101_EN.html] (Accessed: 18-06-2024.

[150] Kim van Karrentak, EGP, 'Legal protection for rainbow families exercising free movement, in particular the Baby Sara case (debate)' (23-11-2022), European Parliament, 169, [https://www.europarl.europa.eu/doceo/document/CRE-9-2022-11-23_EN.pdf] (Accessed: 19-06-2024).

> Aucun traité n'a donné cette responsabilité, aucun traité n'a confié ce pouvoir aux institutions européennes. Respecter l'état de droit, c'est peut-être d'abord respecter nos démocraties et nos propres traités.[151]

A recurring tension emerges between the principles of equality and subsidiarity, with left-wing parties advocating for EU intervention to protect rainbow families, while right-wing parties insist that such legislation should remain within national competence, reflecting deeper disagreements over the scope of EU authority.

Backlash among Romanian religious nationalists

In 2016, while Coman was challenging the Romanian Constitutional Court, the Romanian NGO association "Coaliția pentru Familie" (Coalition for Family collected three million signatures within six months to trigger a national referendum aimed at amending the Constitution. The proposed amendment sought to redefine marriage explicitly as a union between a man and a woman, replacing the existing gender-neutral definition. This number of signatures is significant in a country with a population of 19 million, where only half a million signatures are required to legally mandate such a process. Despite this, the Romanian Constitutional Court deemed the amendment unnecessary, stating that although the Constitution's language was gender-neutral, it implicitly prohibited same-sex marriage under Article 48(1). However, the referendum held in October 2018 ultimately failed due to a low voter turnout of only 20%, falling short of the required 30% threshold.[152]

The Romanian Orthodox Church has played an active role in rallying support against secular proposals that challenge traditional family values. In 2015, the Church urged the Chamber of Deputies to reject a legislative proposal, characterising it as 'an attack on the enduring value of the family [...].'[153] The Romanian Patriarchate has consistently asserted that both the Romanian Constitution (Article 48) and the Civil Code (Article 258) define family as a marriage based on the free consent of a man and a woman. According to the Church, these legal provisions should be upheld and not undermined by new, non-traditional institutions seeking the same rights such as marriage.[154] It is therefore unsurprising that the Romanian Church actively supported the initiative during the 2018 referendum.[155] The Church also backed a series of marches advocating for traditional family values, including the "March for Life 2017 - Help the Mother and

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[151] François-Xavier Bellamy, EPP, 'Legal protection for rainbow families exercising free movement, in particular the Baby Sara case (debate)', (23-11-2022), European Parliament, 173, [https://www.europarl.europa.eu/doceo/document/CRE-9-2022-11-23_EN.pdf] (Accessed: 19-06-2024).

[152] Dimitry Kochenov and Uladzislau Belavusau, 'Same-sex spouses in the EU after *Coman*: More free movement, but what about marriage?', EUI Department of Law Research Paper (2019), 3-4.

[153] 'Romanian Patriarchate calls on Lower House to reject legislative proposal on civil partnership', *Orthodox Christianity* (18 May 2015) [https://orthochristian.com/79389.html] (Accessed: 20-06-2024).

[154] Ibidem.

[155] 'Romania's Coalition for Family wants public subsidies for abortion cancelled', , *Romania Insider* (29 May 2017) [https://www.romania-insider.com/romanias-coalition-family-wants-public-subsidies-abortion-cancelled] (Accessed: 20-06-2024); David Molloy, 'Romania marriage poll: One man, one woman definition up for vote', *BBC News* (6 October 2018) [https://www.bbc.com/news/world-europe-45745083] (Accessed: 20-06-2024).

the Baby. They Depend on You," which coincided with the celebration of the Annunciation. Despite its active involvement, the Holy Synod portrays itself as remaining above the political fray, calling for prayer, dialogue, and social responsibility in response to societal conflicts.[156] The strong influence of religious nationalism in Romania, demonstrated by the active role of the Romanian Orthodox Church in upholding traditional family values and opposing secular proposals, likely contributes to the Commission's restraint in the Coman case, as it aims to avoid direct confrontation with deeply rooted national beliefs.

Conclusions

The EU appears to strike a delicate balance between upholding its core principles of equality, non-discrimination, and free movement, and respecting pluralism with the diverse national laws and cultural traditions of its member states. The Coman case exemplifies the inherent tension between EU-wide rights and national sovereignty particularly in areas where religious and conservative values are strongly embedded.

The Coman case centred on whether a same-sex spouse of an EU citizen, whose marriage was legally recognised in one member state, should be granted residence rights in another member state that does not recognise same-sex marriages. The CJEU ruled that the term "spouse" in EU law is gender-neutral, thereby requiring member states to acknowledge such marriages for the purpose of residence rights, even if they do not recognise same-sex marriages under their own laws. This decision underlines the EU's commitment to the principles of free movement and non-discrimination.

EU institutions have responded to this ruling with varying degrees of support for its implementation. While the Commission has strongly advocated for enforcing the judgment, aiming to ensure that all member states comply, there remains a gap between policy intentions and enforcement. This is evident in the Parliament's repeated calls for more decisive action against non-compliant states like Romania. The Commission's assertion that Romania's revised law upholds free movement highlights its attempt to balance the principles of equality and free movement with respect for subsidiarity and national diversity. Parliament resolutions and debates reveal a broader EU division: progressives advocate for enforcing EU law to protect same-sex couples' rights, while conservatives stress national sovereignty and the right of member states to define marriage based on their cultural and religious traditions.

This case and the EU's responses demonstrate a crucial aspect of the EU's approach to religious issues: the EU strives to uphold its core principles of equality and non-discrimination across all member states, even when these principles conflict with national laws rooted in religious traditions. However, implementing these principles often proves contentious, exposing deep divisions within the Union on how to manage religious and cultural differences.

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[156] Irina Marica, 'Update: Romanian Orthodox Church supports great march for traditional family values', *Romania Insider* (10 February 2017) [https://www.romania-insider.com/holy-synod-romanian-orthodox-church-approves-great-march-traditional-family-values] (Accessed: 20-06-2024).

This division is also evident in the literature. Pollock argues for secularism in the EU, upholding humanist principles of equality, human dignity, and individual freedoms – values reflected in the Parliament resolutions and the Commission's response to the Coman ruling. Pollock views religious influence as a barrier to achieving equality for all citizens. In contrast, Mazurkiewicz has reason to believe that the EU indirectly infringes on matters that intersect with religious values, looking at a Commission and Parliament that voice the need for recognition of same-sex marriage in the entire EU. Therefore, Mazurkiewicz can be seen as an advocate for upholding the EU principles of subsidiarity and pluralism. The backlash in Romanian society aligns with Mazurkiewicz's argument, as the Romanian Orthodox Church, which promotes traditional Christian values opposes what it perceives as the EU's promotion of same-sex marriage in the name of its religious principles.

The EU's effort to balance its core principles has led to slow and ambiguous responses to religious matters. The Commission's inaction and divisions among MEPs hinder the EU's ability to effectively address issues impacting religious communities. Additionally, the European Council's need for unanimous votes on sensitive matters limits its ability to address concerns of religious nationalists. Consequently, jurisprudence plays a crucial role in shaping the EU's stance on these contentious issues, though ambiguities or gaps in EU law often obstruct the full implementation of case law.

In conclusion, the EU typically refrains from direct involvement in matters of national sovereignty, particularly when they intersect with religious issues. However, the EU consistently prioritises its fundamental principle of equality in such cases, often establishing precedents through European law and judicial rulings. This approach underscores the EU's commitment to upholding core values, even when they conflict with national traditions. However, the EU's ability to address these issues effectively appears to be largely dependent on legal frameworks and case law precedents. The following chapter will shift focus to Georgia, a non-EU member state. Given Georgia's status outside the EU, addressing religious issues may present even greater challenges for the EU.

III. Effectiveness and limitations of the Copenhagen Criteria in EU Enlargement

The highest priority of Georgian foreign policy is to achieve full integration into European political, economic, and security structures, thus fulfilling the historical aspiration of the Georgian nation to participate fully in the European community.

This vision, articulated as early as 2000, has seen partial realisation with Georgia's attainment of EU candidate status.[157] However, alongside this progress, there has been a notable shift in Georgian politics and the Georgian Orthodox Church (GOC) towards the adoption of religious nationalist positions. Building on the examination of the characterisation and origins of religious nationalism in Georgia, as well as the EU's approach to religious matters discussed in the previous chapters, this chapter analyses the EU's influence on religious nationalism within Georgia and explores religious nationalist manifestations in the country. It begins by examining the developments in the Church-State relationship in post-Soviet Georgia. Following this, the chapter explores how Georgian politics have responded to the implementation of rules mandated by the Copenhagen criteria. Then, it is explored how the Georgian state has responded to implementing rules demanded in the Copenhagen criteria. As highlighted in the second chapter, compliance with the Copenhagen criteria does not necessarily ensure the full implementation of the EU's principles of equality and non-discrimination. Therefore, it is crucial to examine how various EU institutions address contentious religious issues in Georgia, where these principles are also being challenged.

This chapter analyses how the EU has addressed contentious issues for religious nationalist, specifically focussing on LGBTIQ rights in Georgia. There is special attention for the 2017 constitutional amendment defining marriage as a union between a man and a woman, and the violence against LGBTIQ persons during the 2021 Tbilisi Pride attacks. The analysis is based on materials from EUR-Lex, the European Commission's online open-access archives, and relevant European Parliament documents. The period from 2013 to 2023 is covered, encompassing Georgia's deepening ties with the EU, including the signing of the Association Agreement (AA) and the Visa Liberalisation Action Plan (VLAP). The sources include VLAP and AA implementation reports and documents mentioning both Georgia and LGBTIQ issues, supplemented by literature and news articles.

The establishment of a legal framework in Church and State relations
During Georgia's early independence, marked by political instability, the Georgian GOC gained trust of the population. The GOC's significant role in nation-building led politicians to seek political legitimacy through religious authority, exemplified by President Eduard Shevardnadze's baptism.[158] Shevardnadze recounts:

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[157] *Georgia and the world: a vision and strategy for the future*, (Tbilisi 2000) [https://www.bits.de/NRANEU/docs/CFE/GeorgiaStrategy.pdf] (Accessed: 13-08-2024).
[158] Silvia Serrano, 'The Georgian Church: Embodiment of National Unity or Opposition Force?', *Russian Politics & Law* 52 (2014) 74-92, 79 <doi:10.2753/RUP1061-1940520404>.

When I came back to Georgia, the first thing I did was to visit his holiness the Catholicos Patriarch of Georgia, Ilia the second. I knew him long ago and respected him. Meeting with the Catholicos Patriarch and talking with him brought a different kind of peace to my soul, I was also baptized. Ilia the second became my godfather, my christening name was Giorgi, it means a lot for Georgians… In 1995 Ilia the second and I initiated the building of the magnificent Sameba Cathedral which symbolically express the revival of Georgian spirituality and Georgian statehood![159]

Although Georgia was established as a secular state, it has an intermediate form of separation between church and state. The 1995 Constitution, passed during Shevardnadze's administration, enshrined religious freedom while also recognising the special role and independence of the GOC. Article 8 states: "Along with freedom of belief and religion, the State shall recognise the outstanding role of the Apostolic Autocephalous Orthodox Church of Georgia in the history of Georgia, and its independence from the State." Simultaneously, Article 11 guarantees equality and non-discrimination before the law on various grounds, including ethnic belonging, sex, and religion.[160]

The early Shevardnadze administration not only granted symbolic power to the Church but also ceded considerable political privileges.[161] During Eduard Shevardnadze's tenure, Georgia faced challenges by the breakdown of state institutions, corruption, high crime rates, poverty, and social instability. Amidst this turmoil, the GOC emerged as a stabilising force, offering citizens a sense of ontological security in a fast-changing society. In response to declining popularity and the growing risk of losing power, Shevardnadze strategically aligned more closely with the Church, culminating in the 2002 Concordat, a formal agreement between the state and the Patriarchate.[162] This agreement significantly enhanced the Church's socio-political role, granting it legal status as a public entity, immunity for the Patriarch, tax privileges, ownership of all church property, and government responsibility for compensating the Church for damages incurred during the Soviet era. The Concordat, considered the second most important legal document after the Constitution, takes precedence over other national and international legal documents, except in matters of human rights, where international law prevails.[163] Despite Georgia's formal commitment to religious freedom and equality, the Concordat underlines the substantial political influence the Church wields in Georgian society.

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[159] Shevardnadze, E., Thought on the past and future, Palitra L, Tbilisi, 2006 in: Bogishvili et al., *Georgian National Identity*, 125-126.
[160] 'Constitution of Georgia', Parliament of the Republic of Georgia (Tbilisi 24 August 1995) [https://matsne.gov.ge/en/document/view/30346?publication=36] (Accessed: 25-06-2024).
[161] Mariam Khakhutaishvili, 'The Dynamics of the Involvement of the Georgian Orthodox Church in the Process of European Integration: Perspectives, Transformations, and Challenges', *Occasional Papers on Religion in Eastern Europe* 44 (2024) 32-57, 42 <doi:10.55221/2693-2229.2515>.
[162] Ibidem.
[163] Sophie Zviadadze, 'Georgian Orthodox Church and Human Rights: Challenges to Georgian Society', in: Hans-Georg Ziebertz and Gordan Črpić ed., *Religion and Human Rights: An International Perspective* (Cham 2015) 45-60, 48-49.

Church and State relations in Georgia since the Rose Revolution

In the 2003 election following the Rose Revolution, Mikheil Saakashvili and his United National Movement (UNM) secured nearly 90% of the votes. His presidency was characterised by a pro-Western, pro-globalisation stance, and he sought to redefine Georgian nationalism as liberal, multiethnic, and civic-based, contrasting with the ethno-religious nationalism supported by the GOC.[164] This divergence led to tensions between the state and the Church, particularly over Georgia's political future. In response, the GOC initiated its own counter-project of religious nationalism.[165]

To advance his liberal ideas and European integration agenda, Saakashvili needed to influence Georgian self-identification, which was heavily shaped by the GOC. Historian Gamkrelidze describes Saakashvili's approach as agonistic, combining cooperation, persuasion, appeasement, and marginalisation to keep the Church engaged in the Europeanisation process.[166] This strategy, however, led to growing discontent within the GOC, which Saakashvili attempted to mitigate by increasing state funding and land allocations to the Church.[167]

For instance, during the 2007 political crisis between the UNM and the opposition, the Patriarch played a key mediating role, reflecting the peace-making qualities of religion as outlined in Rees' syntax of power. Subsequently, state funding for the Patriarchate significantly increased, from 4.3 million GEL in 2007 to 26.4 million GEL in 2009, further boosting the Church's influence.[168] Despite the Patriarch's nominal support for European integration, he seldom participated in discussions, likely due to reservations about aspects such as gender equality and religious freedom, which conflicted with the Church's values. Nevertheless, the Patriarch never openly challenged the state's authority."[169]

The intersection of politics and religion in Georgia has become increasingly conservative, complicating the country's stance on European integration. In the 2012 parliamentary elections, many clergymen informally supported the Georgian Dream party, contributing to its victory. Under the Georgian Dream administration, relations between the government and the Church became more harmonious. Initially, the GOC supported a pro-European stance, but this shifted in 2019 when the Church's discourse turned more conservative. The Georgian Dream's foreign policy, influenced by a political theology within the GOC, emphasised protecting Georgia from "Western imperialist doctrine," reflecting a perception of EU encroachment.[170] Despite this, the GOC remains divided: some clergy see

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[164] Natalie Sabanadze, *Globalization and Nationalism: The Cases of Georgia and the Basque Country* (Budapest 2010) 106-108.

[165] Tamar Gamkrelidze, 'Agonism as a State Policy for Engagement of Church in the Project of Europe: The Case of Georgia', *Journal of Church and State* 61 (2019) 262-281, 268 <doi:10.1093/jcs/csy032>.

[166] Ibidem, 272, 279-280.

[167] Khakhutaishvili, 'The Dynamics of the Involvement of the Georgian Orthodox Church in the Process of European Integration', 43.

[168] Tornike Metreveli, 'An undisclosed story of roses: church, state, and nation in contemporary Georgia', *Nationalities Papers* 44 (2016) 694-712, 703 <doi:10.1080/00905992.2016.1200021>.

[169] Gamkrelidze, 'Agonism as a State Policy for Engagement of Church in the Project of Europe', 278-279.

[170] Khakhutaishvili, 'The Dynamics of the Involvement of the Georgian Orthodox Church in the Process of European Integration', 44-45.

alignment with Europe as a return to Orthodox Christian roots, while others, including influential bishops, hold anti-European and anti-liberal views. This internal conflict leads to mixed messages and complicates the Church's position on Georgia's integration into the European Union.[171]

While the GOC has officially supported Georgia's European aspirations, its rhetoric has raised concerns about perceived threats to Georgian society, which could be problematic given the strong public support for EU accession over the past decade.[172] Instead of outright opposing EU membership, the GOC advocates for a conception of Europe that aligns with its values, selectively opposing aspects that conflict with its vision of Georgian society. The Church has not directly challenged government authority but has gained political influence, reflecting the Orthodox concept of "Symphonia;" the Georgian State and Georgian Church seem to complement each other.

The GOC's stance on Georgia's EU rapprochement is marked by ambiguity. Although the Church officially supports this trajectory, internal critics raise concerns. While religious nationalism in Georgia may broadly favour closer ties with the EU, it does not fully embrace the EU values promoted by its institutions. Despite anti-European sentiments within the GOC, some clergy are more West-friendly, advocating for a vision of Europe rooted in Christian values, aligning with other religious nationalist voices within the EU.[173]

Religious nationalism in context of European rapprochement

European integration is a constitutionally enshrined foreign policy priority for Georgia. As such, the perception of the EU within the country is crucial for alignment with EU standards. In Georgia's conservative and religious society, a narrative of European integration grounded in Christian ideals, similar to visions advocated by other religious nationalist politicians, such as Hungary's Prime Minister Viktor Orbán, resonates strongly with the Patriarchate.[174] The deepening of EU-Georgia relations has further heightened the EU's significance in Georgian domestic politics, especially in implementing sensitive reforms tied to the integration process. However, public resistance to issues like LGBTIQ rights and growing perceptions of the EU as a threat to Georgian traditions have increased between 2009 and 2019.[175] This environment, coupled with rising anti-liberal rhetoric within the EU, has fostered a more receptive atmosphere in Georgia for conservative and religious narratives.[176]

The 2014 Law on Elimination of All Forms of Discrimination (Anti-Discrimination Law), part of the Visa Liberalisation Action Plan (VLAP), aimed to institutionalise comprehensive legislation on fundamental rights in Georgia. While

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[171] Ibidem, 51.

[172] *Georgian Survey of Public Opinion*, International Republican Institute (March 2023) 63.

[173] Khakhutaishvili, 'The Dynamics of the Involvement of the Georgian Orthodox Church in the Process of European Integration', 51.

[174] 'Georgian Orthodox Church Leader on Surrogacy, Family and EU', *Civil Georgia* (Tbilisi 7 January 2014) [https://civil.ge/archives/123428] (Accessed: 10-08-2024).

[175] Ana Andguladze, ''Anti-liberal Europe', an opposing narrative to normative power Europe in the Eastern neighbourhood? The case of Georgia.', *European Politics and Society* 24 (2021) 77-95, 82 <doi:10.1080/23745118.2021.1956240>.

[176] Ibidem, 83.

democratic principles were generally supported, many Georgians were suspicious or hostile towards the inclusion of sexual orientation and gender identity in the law. Enacted in May 2014, the law sparked significant protests, particularly from the GOC, and tarnished the EU's image as a promoter of values in Georgia. [177] The GOC requested its postponement for broader engagement. Church representatives, backed by opposition leaders, threatened legislators with political consequences.[178] Moreover, anti-LGBTIQ protests took place in front of the parliament. Despite these tensions, the law was passed due to the parliament's strong majority and the buffer of two years before the next election, which reduced lawmakers' fear of backlash, though it contradicted popular views on the topic.[179]

Despite Georgia's constitutional commitment to European integration, the country's conservative and religious communities have resisted EU-promoted reforms, especially those related to LGBTIQ rights. This resistance is partly fuelled by a narrative grounded in Christian ideals of Europe, and by a perceived encroachment of EU legislation that conflicts with Georgia's conservative values. The backlash against the 2014 Anti-Discrimination Law illustrates this tension, as the law was adopted despite widespread public opposition. While Georgians strongly support European integration, there are significant reservations about the EU's promotion of social reforms. The remainder of this chapter explores how the EU addresses this resistance.

Copenhagen criteria
Unlike EU member states such as Romania, Georgia is not part of the EU, limiting the EU's legal tools to enforce compliance with its values. However, the prospect of future EU membership remains a powerful incentive for Georgia to align with EU standards. The Copenhagen criteria, established in 1993 after the dissolution of the USSR in view of future Eastern enlargement, are crucial in this process. These criteria must ensure that any future EU enlargement strengthens the union, promotes stability and prosperity, and upholds core EU values. They require

> that [the] candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights, respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union.[180]

The Copenhagen criteria require that candidate countries must adopt the 100,000-page, non-negotiable document outlining the laws, norms, and regulations in force in EU member states, known as the *acquis communautaire* (acquis). The Anti-

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[177] Laure Delcour and Kataryna Wolczuk, 'Mind the gap: role expectations and perceived performance of the EU in the South Caucasus', *Eurasian Geography and Economics,* 62 (2021) 156-177, 164 <doi:10.1080/15387216.2020.1779103>.

[178] Kornely Kakachia, 'Is Georgia's Orthodox Church an Obstacle to European Values?' *PONARS Eurasia Policy Memo No. 322* (Tbilisi 2014).

[179] Julian G. Waller, 'Mimicking the Mad Printer: Legislating Illiberalism in Post-Soviet Eurasia', *Problems of Post-Communism* 70 (2023) 225-240, 235 <doi:10.1080/10758216.2021.1960863>.

[180] 'Presidency Conclusion: Copenhagen European Council', (Copenhagen 21-22 June 1993) [https://www.europarl.europa.eu/enlargement/ec/pdf/cop_en.pdf] (Accessed: 13-07-2024).

Discrimination Law in Georgia, necessary for both the VLAP and the AA, reflects this requirement.

Visa Liberalisation Action Plan

The EU-Georgia Visa Liberalisation Dialogue, launched on 4 June 2012, culminated in Georgian citizens gaining visa-free travel to the Schengen area on 28 March 2017. The European Commission monitored this process through reports on the implementation of the VLAP. Three of the four VLAP implementation reports, along with six reports on the Visa Suspension Mechanism issued after visa-free travel was granted, have been analysed.

Before analysing the reports, and prior to the signing of the AA, ECR MEP Syed Kamall raised concerns from Georgia's homosexual community regarding Patriarch Ilia II's statement that he celebrated the fact that recognising gay marriage was not a precondition for EU membership. Kamall's inquiry to the European Commission sought clarification on whether promoting LGBTIQ rights would be a precondition for Georgia's EU accession.[181] The Commission responded:

> Recognition of gay marriage is not […] a requirement for applicants to join the EU or for existing EU member states. This remains a matter of national competence. However, strict protection of […] members of the LGBTI community, is a crucial part of the EU's cooperation with Georgia and an important requirement under the Visa Liberalisation Action Plan (VLAP). Georgia is currently adopting an Anti-Discrimination Bill, which is a benchmark under the VLAP. This law will establish a comprehensive legislative framework to combat discrimination and promote equal treatment for all individuals living in Georgia.[182]

This response demonstrates the Commission's distinction between the recognition of gay marriage and the broader commitment to human rights. While the recognition of gay marriage is left to the discretion of candidate countries – similar to the Commission's response to Romania, as we saw in chapter II – the protection of human rights is non-negotiable and central to EU-Georgia cooperation. The Commission also underscores the strategic use of conditionality, with Georgia's progress on human rights directly tied to the benefits of the VLAP. This serves as an incentive for Georgia to align its domestic policies with EU values. In the following, it is assessed what meeting these specific standards looks like.

In the First Progress Report of 15 November 2013, the Commission expressed cautious optimism about Georgia's progress in establishing a comprehensive anti-discrimination framework. The report acknowledges Georgia's legislative efforts in drafting the Anti-Discrimination Law and the ratification of several international treaties under the UN and Council of Europe on anti-discrimination. However, the Commission highlights concern about whether the law will apply to the private sector and stresses the importance of vigilance in

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[181] Syed Kamall, 'Question for written answer E-001890/14 to the Commission' (14 February 2014) [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2014:312:FULL&qid=1721288722898] (Accessed: 23-07-2024).

[182] Ibidem.

establishing the Equality Protection Inspector, appeal procedures, and burden of proof provisions. The Commission also recommended public awareness campaigns to explain the new law and training for public officials to ensure proper understanding and enforcement.[183]

In the third report the Commission appears to be generally optimistic about Georgia's progress in implementing anti-discrimination legislation and policies. The report stresses that the benchmark for citizen's rights is almost fulfilled. Still, there are recommendations on increasing efforts to raise awareness about equality among State representatives and Georgian society, adopt a new strategy to promote tolerance, and provide adequate funding for monitoring its implementation.[184]

In the final report before concluding the Visa Liberalisation Dialogue, the Commission confirmed that Georgia had successfully implemented the recommendations from the third report. The benchmark for citizen's rights was achieved through a media information campaign on equality, tolerance, and diversity, alongside training for legal professionals on these issues.[185]

In the years leading up to Visa Liberalisation, Georgia appeared to proactively and successfully meet the Commission's requirements. The 2014 Anti-Discrimination Law was already in progress before the first report, and Georgian authorities effectively ensured its public awareness and monitoring. However, while the reports leading up to Visa Liberalisation included detailed anti-discrimination measures, the subsequent reports under the Visa Suspension Mechanism do not comprehensively evaluate all policy areas outlined in the VLAP.[186] Only the First Report under the Visa Suspension Mechanism mentions that, despite expectations, no amendments to the Anti-Discrimination Law were adopted by the end of 2015.[187] The Reports under the Visa Suspension Mechanism suggests that a suspension

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[183] *First Progress Report on the implementation by Georgia of the Action Plan on Visa Liberalisation COM(2013) 808 final*, (Brussels 15 November 2013) 23-25, [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52013DC0808] (Accessed: 23-07-2024).
[184] *Third progress report on Georgia's implementation of the action plan on visa liberalisation COM(2015) 199 final*, (Brussels 8 May 2015) 9-10, [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52015DC0199] (Accessed: 23-07-2024).
[185] *Fourth progress report on Georgia's implementation of the action plan on visa liberalisation COM(2015) 684 final*, (Brussels 18 December 2015) 10, [https://commission.ge/files/fourth_report_georgia_implementation_action_plan_visa_liberalisatio n_en.pdf] (Accessed: 23-07-2024).
[186] *First Report under the Visa Suspension Mechanism {COM(2017) 815 final}*, (Brussels 20 December 2017) [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017SC0480]; *Second Report under the Visa Suspension Mechanism COM(2018) 856 final*, (Brussels 19 December 2018) [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52018DC0856]; *Third Report under the Visa Suspension Mechanism {COM(2020) 325 final}*, (Brussels 10 July 2020) https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020SC0132]; *Fourth Report under the Visa Suspension Mechanism {COM(2021) 602 final}*, (Brussels 4 August 2021) [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021DC0602]; *Fifth Report under the Visa Suspension Mechanism {COM(2022) 715 final}*, (Brussels 5 December 2022) [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022DC0715]; *Sixth Report under the Visa Suspension Mechanism {COM(2023) 730 final}*, (Brussels 18 October 2023) [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52023DC0730] (All accessed: 23-07-2024).
[187] *First Report under the Visa Suspension Mechanism {COM(2017) 815 final}*, 29, (Brussels 20 December 2017) [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017SC0480] (Accessed: 23-07-2024) .

mechanism is included in the VLAP. The European Commission can invoke this suspension mechanism. It explicitly states that

> The Commission can also trigger the mechanism in case certain requirements are no longer met as regards the fulfilment of the visa liberalisation benchmarks by third countries that have gone through a visa liberalisation dialogue.[188]

The lack of a comprehensive evaluation of all policy areas in the Reports under the Visa Suspension Mechanism indicates that the EU lacks clear and consistent boundaries for enforcing anti-discrimination measures. While the reports leading up to visa liberalisation detailed Georgia's progress and provided specific recommendations, the subsequent Visa Suspension Mechanism reports did not evaluate all relevant policy areas properly. The absence of decisive actions, such as suspending visa liberalisation when anti-discrimination benchmarks are not fully met, reveals a potential gap in the EU's enforcement strategy, which could undermine both the effectiveness of the visa liberalisation process and the credibility of the EU's conditionality approach.

Other research shows that the criteria for EU authorities to assess whether VLAP-conditioned reforms are fully implemented remain unclear and vague. An interviewee from the Partnership for Human Rights and a Freedom House report both note that the reforms are only partially implemented, citing poor court practices and negative societal attitudes, as has been seen in the objection of Georgian clergy and anti-LGBTIQ protesters. Despite this, the EU views the implementation as stable, revealing a gap between EU evaluations and the realities on the ground, where enforcement is uneven, and public officials often lack commitment to the reform's values.[189]

While the Commission has emphasised the importance of human rights conditionality in its response to MEP Kamall's written question, its enforcement in practice appears inconsistent. Initial reports on Georgia's anti-discrimination reforms indicated progress and provided specific recommendations. However, subsequent Visa Suspension Mechanism reports lack thorough evaluation in these areas. The contrast between the EU's optimistic assessments and the critical views from Freedom House and local human rights organisations indicates a disconnect between the EU's evaluations and the on-the-ground realities. This suggests that the EU's conditionality in the VLAP is applied superficially, addressing anti-discrimination issues on paper while leaving underlying problems unresolved.

Association Agreement
The VLAP and the AA are complementary in bringing Georgia closer to EU integration. While the VLAP offers immediate benefits like visa-free travel, the AA provides a comprehensive framework for long-term political and economic alignment. Both agreements stress human rights, with the AA explicitly

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[188] *Report on the continued fulfilment of visa-free requirements*, European Commission, 3 [https://ec.europa.eu/commission/presscorner/api/files/document/print/en/qanda_20_1330/QAND A_20_1330_EN.pdf] (Accessed: 23-07-2024).
[189] Giorgi Tkhelidze, *The EU in Georgia – Inducing Democratic Reforms with(out) Conditionality in Place* (Master's Thesis - Leiden University) (Leiden 2021) 40-41.

highlighting non-discrimination and LGBTIQ rights in Article 13(3) as fundamental to EU-Georgia cooperation.[190] Human rights are also enshrined as a general principle in Article 2(1) of the AA, and failure to uphold these commitments can trigger dispute resolution procedures as outlined in Articles 420 and 421. If unresolved, Article 422 allows the EU to take proportionate measures, including the suspension of the AA, in cases of significant human rights violations.[191] This means that if Georgia is found to be in serious breach of its human rights obligations, the EU has the authority to suspend the AA. While the AA has never been suspended, its implementation was stalled during the Euromaidan protests in Ukraine when President Viktor Yanukovych halted preparations in favour of closer ties with Russia.[192]

The European External Action Service (EEAS) has reported annually on Georgia's progress in complying with EU standards through the Association Implementation Reports since 2016. This section focusses on analysing the assessments related to human rights, including LGBTIQ rights, in Georgia. Five out of the seven reports (2016, 2017, 2019, 2021, and 2022) have been included in this analysis. For the missing reports, the European Parliament's reports on association implementation have been used as substitutes. Additionally, the Georgia 2023 Report, which replaces the previous Association Implementation Reports, has been incorporated.[193] This 2023 report not only evaluates Georgia's progress under the Association Agreement but also includes the Commission's recommendation for granting Georgia candidate status, contingent upon the completion of specific steps.

Between 2016 and 2023, the European Union closely monitored Georgia's progress in implementing anti-discrimination measures concerning the rights of LGBTIQ individuals. In 2016, the European Commission acknowledged the enactment of Georgia's Anti-Discrimination Law but highlighted deficiencies in effective sanctions and a lack of responsive action from state institutions towards human rights violations against minorities.[194] Despite proposed amendments by the Public Defender to enhance the law's enforcement, the 2017 report noted these changes remained pending amid ongoing reports of discrimination.[195]

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[190] 'Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part', *Official Journal of the European Union* (Brussels 30 August 2014) 4-146, 11.

[191] Ibidem, 7, 135-136.

[192] 'Ukraine drops EU plans and looks to Russia', *Al Jazeera* (21 November 2013) [https://www.aljazeera.com/news/2013/11/21/ukraine-drops-eu-plans-and-looks-to-russia/] (Accessed: 10-08-2024).

[193] 'Georgia 2023 Report SWD(2023) 697', European Commission (Brussels 8 November 2023) 3, [https://neighbourhood-enlargement.ec.europa.eu/document/download/388e01b7-e283-4bc9-9d0a-5600ea49eda9_en?filename=SWD_2023_697%20Georgia%20report.pdf] (Accessed: 01-08-2024).

[194] 'Association Implementation Report on Georgia SWD(2016) 423', European Commission (Brussels 25 November 2016) 4, [https://www.eeas.europa.eu/sites/default/files/1_en_jswd_georgia.pdf] (Accessed: 27-07-2024).

[195] 'Association Implementation Report on Georgia SWD(2017) 371', European Commission (Brussels 9 November 2017) 3, [https://neighbourhood-enlargement.ec.europa.eu/document/download/59cb50ee-a60e-44d9-af2a-97a33a35c569_en?filename=171109_association_implementation_report_on_georgia.pdf] (Accessed: 27-07-2024).

Notwithstanding the absence of the 2018 report, the European Parliament that year expressed concern over persistent discrimination against vulnerable groups, while being positive about the implementation of the AA in general.[196] This concern regarding the enforcement of measures combatting anti-discrimination remained largely unchanged in 2019, while noting on that the May 2018 demonstration on the International Day Against Homophobia a significant police presence was required to ensure safety. The report does not provide an evaluation of whether this situation is positive or negative, leaving the interpretation open.[197] While the immediate safety measures might be viewed positively, they also might illustrate the need for deeper societal and legislative reforms.

The pattern of acknowledging Georgia's efforts to align with EU human rights standards while criticising the lack of enforcement against discrimination continued in 2020, 2021, and 2022.[198] Notably, the Parliament uniquely called upon the GOC and civil society to foster a more tolerant environment in 2020, though it did not specify why the Church was singled out.[199] This call upon the GOC may have been related to the première of the film *And Then We Danced* about homosexual love. The GOC criticised the film as an attack against the church.[200] In addition, the Church said the film was attempt to legalise the "sin" of homosexuality. During the film's première, around 500 protesters attempted to storm a Tbilisi cinema, clashing with police and assaulting attendees. While the GOC distanced itself from the violence, the Parliament's appeal underscores the Church's profound influence on Georgian society and its important role in promoting human rights.[201]

The Georgia 2023 Report, the Commission's first annual enlargement report following Georgia's EU membership application in March 2022, assesses Georgia's

[196] 'Report on the implementation of the EU Association Agreement with Georgia (2017/2282(INI))', European Parliament (Strasbourg 15 October 2018) 3, [https://www.europarl.europa.eu/doceo/document/A-8-2018-0320_EN.pdf] (Accessed: 27-07-2024).

[197] 'Association Implementation Report on Georgia SWD(2019) 16', European Commission (Brussels 30 January 2019) 4, [https://www.eeas.europa.eu/sites/default/files/2019_association_implementation_report_georgia.pdf] (Accessed: 29-07-2024).

[198] Report on the implementation of the EU Association Agreement with Georgia (2019/2200(INI))', European Parliament (Strasbourg 17 July 2020) 10, [https://www.europarl.europa.eu/doceo/document/A-9-2020-0136_EN.pdf] (Accessed: 29-07-2024); 'Association Implementation Report on Georgia SWD(2021) 18', European Commission (Brussels 5 February 2021) 5, [https://www.eeas.europa.eu/sites/default/files/2021_association_implementation_report_in_georgia.pdf] (Accessed: 29-07-2024); 'Association Implementation Report on Georgia SWD(2022) 215', European Commission (Brussels 12 August 2022) 4, [https://data.consilium.europa.eu/doc/document/ST-11784-2022-INIT/en/pdf?fbclid=IwAR0Rvoq7lQj8YL3-PMfjjOdai5oz2unGKvAOT89IH9gsbL2qq-lslAq-HRo] (Accessed: 30-07-2024).

[199] 'Report on the implementation of the EU Association Agreement with Georgia (2019/2200(INI))', 10.

[200] Bernadette McCague and David Lodzhanidze, 'Far-right protests greet Georgia gay film premiere', *BBC News* (8 November 2019) [https://www.bbc.com/news/blogs-trending-50350601] (Accessed: 10-08-2024).

[201] Rayhan Demytrie, 'LGBT rights: The film about gay love shaking up Georgia', *BBC News* (Tbilisi 23 December 2019) [https://www.bbc.com/news/world-europe-50821544] (Accessed: 10-08-2024).

progress on the twelve priorities identified by the Commission that focus on aligning with EU values and standards, among which in fundamental rights. The European Council expressed its readiness to grant Georgia candidate country status once these priorities are addressed and invited the Commission to report on their implementation.

The report finds that while Georgia generally meets the EU's human rights conditions for candidate status, significant issues remain concerning discrimination based on sexual orientation and gender identity.[202] The Commission notes that although Georgia's non-discrimination legislation aligns with the EU acquis, enforcement is lacking, and the legislation fails to adequately address the challenges faced by LGBTIQ individuals.[203] This is also the case for the Georgian national strategy for human rights for 2022-2030 with the authorities failing to acknowledge the systemic discriminatory patterns affecting LGBTIQ persons. The Commission adds that hate speech from Georgian politicians and public figures fuels societal intolerance and violence against LGBTIQ persons.[204]

The red line in the EU's commentary on human and LGBTIQ rights in Georgia is the consistent call for the effective enforcement of anti-discrimination legislation and the protection of the LGBTIQ community. The EU emphasises that for Georgia to progress in its EU membership aspirations, it must address systemic discrimination and ensure robust legal and societal protections for all its citizens. While the EU recognises that Georgia is progressing towards successful implementation, it especially points out that it is not sufficiently enforced. This lack of enforcement prompts the EU to continue making requests for practical application of the Anti-Discrimination Law. However, despite these enforcement issues, the Commission has still recommended granting Georgia EU candidate status, indicating that they view the shortcomings as addressable within the ongoing integration process. It appears that compliance with the Copenhagen criteria is the most important condition. However, this does not account for dynamics in Georgian society, such as balancing of Georgian authorities between a pro-EU course and demands of religious nationalists.

2017 constitutional amendment
During the passage of the Anti-Discrimination Law through parliament, protests arose not only from the GOC and opposition leaders but also from within the ruling Georgian Dream party, where discussions emerged about amending the constitutional definition of marriage. The GOC, in particular, opposed the inclusion of "sexual orientation" and "gender identity" in the legislation.[205] Despite their efforts to remove these terms, the law was ultimately passed in May 2014 with these provisions intact. Prime minister Giorgi Kvirikashvili explained that

> The initiative involves strengthening of civil code clause about marriage being union of woman and man at the level of the Constitution […] We reiterate that the

[202] 'Georgia 2023 Report SWD(2023) 697', 6 (Accessed: 03-08-2024).
[203] Ibidem, 37.
[204] Ibidem, 40.
[205] 'GD Refloats Proposal on Setting Constitutional Bar to Same-Sex Marriage', *Civil Georgia* (Tbilisi 8 March 2016) [https://old.civil.ge/eng/article.php?id=29027] (Accessed: 05-08-2024).

[Georgian Dream] coalition remains committed to principles of elimination of all forms of discrimination and at the same time we offer an initiative to make such an important value as marriage guaranteed at the level of the Constitution.[206]

A potential issue for religious nationalists arose from the discrepancy between Article 1106 of the Georgian Civil Code, which defines marriage as 'a voluntary union of a woman and a man,' and the Constitution, which at that time defined marriage as being 'based upon equality of rights and free will of spouses.'[207] The gender-neutral language in the Constitution could have led to the Civil Code being challenged in the Constitutional Court, potentially paving the way for the legalisation of same-sex marriages.

While the adjustment to the amended Constitution may be seen as conflicting with the EU principle of equality, the EU has not addressed this issue extensively, merely noting that the new Constitution included a definition of marriage as the union of a man and a woman.[208] It is unsurprising that the EU refrained from intervening in Georgia's definition of marriage, just as it did in Romania, as discussed in Chapter II, under the principle of pluralism. This stance is consistent with the Commission's response to MEP Kamall's inquiry, stating that the recognition of same-sex marriage falls under national competence.[209]

The inclusion of the marriage definition in the 2017 constitutional reform demonstrates that compliance with the (progressive) EU values and a more conservative outlook favoured by religious nationalist are directly linked. It also suggests that EU-mandated anti-discrimination legislation is perceived as encroaching on Georgian tradition by these groups. This perceived encroachment is supported by the fact that the perception of the EU as a threat to Georgian traditions rose from 30% to 45% between 2013 and 2015 and has remained relatively high.[210] However, this is not to say that the results of this poll are directly attributable to Georgia's increasing rapprochement with the EU. Regardless, it demonstrates that while rapprochement with the EU provides a strong incentive for Georgia to align its legislation with EU standards, Georgian politics may have sought to balance the unpopular Anti-Discrimination Law for religious nationalists by ensuring that the prohibition of same-sex marriages will remain in place for the foreseeable future.

2021 Tbilisi Pride march attacks
The 2021 Tbilisi Pride attacks have not gone unnoticed by the Commission. On 5 July 2021, the Tbilisi Pride march was disrupted and ultimately cancelled due to violent attacks by religious nationalist groups that attacked both journalists and other attendants. The GOC played a significant role in both the lead-up and the

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206 Ibidem.
207 'Article 1106', *Civil Code of Georgia*,
[https://matsne.gov.ge/en/document/download/31702/79/en/pdf] (Accessed: 05-08-2024); 'GD Refloats Proposal on Setting Constitutional Bar to Same-Sex Marriage'.
208 'Association Implementation Report on Georgia SWD(2017) 371', 3 (Accessed: 05-08-2024).
209 Kamall, 'Question for written answer E-001890/14 to the Commission' (Accessed: 05-08-2024).
210 *Knowledge of and Attitudes toward the European Union in Georgia*, Europe Foundation (Tbilisi 2021) 14.

events of that day. Alongside far-right groups, the GOC openly opposed the Pride event, with the Patriarchate urging MEPs and embassy heads in Georgia to withdraw support. The Church accused Pride organisers of promoting a 'non-traditional way of life' and inciting conflict. The GOC also called on the Georgian government to prevent destabilisation, claiming that the event discredits Western (specifically Christian) values and contradicted the beliefs of most Georgians.[211] On the day of the march, some clergy members were visibly involved in the violent counter-protests. That same day Georgian Prime Minister Irakli Garibashvili described a Pride parade as 'unacceptable for a large portion of Georgian society' and, without evidence, alleged that the event was supported by the country's former President Mikheil Saakashvili with the intention of creating instability.[212]

Following the attacks, the EU Monitoring Mission and the EU Delegation to Georgia, along with several EU member states, the US, Norway, and Israel, strongly condemned the violence and criticised the Georgian government for its failure to denounce it. They urged Georgian authorities to uphold the right to peaceful assembly, ensure the safety of journalist, and publicly condemn the aggression.[213] This condemnation was echoed by MEPs, who noted that 'Unfortunately, the Georgian authorities and religious representatives failed to speak loud and clear against homophobic rhetoric in the run-up to the Pride March.'[214] The MEPs attributed the responsibility to both government authorities and religious representatives. Furthermore, they 'remind[ed] [Georgia] that the prerequisites for the accession to the EU, also known as Copenhagen criteria, provide, among others, that a candidate country has […] respect for and protection of minorities,' pointing the Georgian authorities on the potential of negative consequences of this incident.[215]

This condemnation of the Tbilisi Pride attacks has also been reported on in the 2022 report. In broadly the same words, but addressed less directly, the report concluded that the government and law enforcement did not adequately protect the demonstrators' right to peaceful assembly or their safety. Additionally, it also notes the absence of charges against the coordinators of the assaults.[216]

The Commission's repeated demands for Georgia to address anti-LGBTIQ violence have consistently been disregarded, as demonstrated in the Georgia 2023 Report. One of the key requirements for Georgia's recommendation as an EU candidate was to 'investigate and prosecute the organisers of the violence on 5 July 2021, [and] adopt the Human Rights action plan ensuring also the rights of LGBTIQ

[211] 'Orthodox Church Speaks Out Against Pride Week', *Civil Georgia* (Tbilisi 30 June 2021) [https://civil.ge/archives/429890] (Accessed: 03-08-2024).
[212] Amy Mackinnon, 'The Geopolitical Fault Line Behind the Attack on Tbilisi Pride', *Foreign Policy* (7 July 2021) [https://foreignpolicy.com/2021/07/07/tblisi-pride-attack-lgbt-rights-georgia/] (Accessed: 30-07-2024).
[213] 'Joint Statement on violence in Tbilisi', Delegation of the European Union in Georgia (Brussels 5 July 2021) [https://www.eeas.europa.eu/delegations/georgia/joint-statement-violence-tbilisi_en] (Accessed: 05-08-2024).
[214] Marina Kaljurand, Sven Mikser and Cramon Taubadel, 'Joint statement on the cancellation of the Tbilisi Pride' (Strasbourg 6 July 2021) [https://www.europarl.europa.eu/cmsdata/237780/Joint%20statement%20on%20the%20cancellation%20of%20the%20Tbilisi%20Pride.pdf] (Accessed: 05-08-2024).
[215] Ibidem.
[216] 'Association Implementation Report on Georgia SWD(2022) 215', 4.

Persons.'[217] However, the report indicates that Georgian authorities have demonstrated no significant ambition to undertake these actions. On the contrary, the Commission reports that 'on 16 January 2023, a Court of Appeal reduced the charges against the perpetrators (and excluded the qualification of "organiser").'[218] These actions indicate systemic issues within the Georgian judicial system regarding the enforcement of anti-discrimination laws.

Although the Delegation of the EU to Georgia expressed gratitude in a joint statement to the Georgia Ministry of Internal Affairs for ensuring safety during the 2022 Pride Week, the situation changed in 2023 when the main event of the Tbilisi Pride was cancelled due to planned assaults by religious nationalists.[219] The police deployment was insufficient to effectively deter anti-LGBT protesters, and failed to create a safe environment for the festival to take place.[220] The cancellation of the 2023 Tbilisi Pride event is mentioned in the Georgia 2023 Report as a concern, alongside the ongoing issue of the 2021 Tbilisi Pride attacks. These issues are listed as key conditions for recommending Georgia's candidate status, with an emphasis on protecting human rights for vulnerable groups and effectively bringing perpetrators and instigators of violence to justice.[221] Despite these clear priorities, the perpetrators who instigated the attacks remain largely unpunished up to this day.[222]

The fact that the perpetrators remain largely unpunished, and the recurrence of violence against LGBTIQ events, demonstrate that the EU has been unsuccessful in addressing religious nationalism in Georgia through Georgia's compliance to the Copenhagen criteria. Whereas Georgian legislation on anti-discrimination and enforcement has been brought closely in line to the acquis, this has had little influence on bringing religious nationalist sentiment closer aligned to EU values and principles. In the end, the EU granted Georgia candidate status on 14 December 2023 without Georgia resolving the issue of discrimination properly. This indicates that the EU may not have regarded the issue as important enough to postpone Georgia's accession of candidate status.

Conclusions

Since its independence, Georgia has been a secular state. However, there is a special role for the GOC that capitalised on the divided nature of Georgian politics. As a powerful player in Georgia's political landscape the GOC is largely following the desire of the majority of Georgian citizen to seek rapprochement with the EU. However, the Patriarchate's conception of Europe aligns rather with a Christian

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[217] 'Georgia 2023 Report SWD(2023) 697', 28 (Accessed: 03-08-2024).
[218] Ibidem, 40.
[219] 'Pride Week 2022: a potential stepping-stone for enhancing LGBTQI+ rights protection in Georgia', Delegation of the European Union to Georgia (Tbilisi 6 July 2022) [https://www.eeas.europa.eu/delegations/georgia/pride-week-2022-potential-stepping-stone-enhancing-lgbtqi-rights-protection-georgia_en?s=221] (Accessed: 05-08-2024).
[220] 'Police Stands by as Far-Right Groups Attack Tbilisi Pride Festival', *Civil Georgia* (Tbilisi 8 July 2023) [https://civil.ge/archives/551380] (Accessed: 05-08-2024).
[221] 'Georgia 2023 Report SWD(2023) 697', 11 (Accessed: 05-08-2024).
[222] 'Unpunished organizers of LGBT+ violence in Georgia', *JAMnews* (Tbilisi 5 July 2024) [https://jam-news.net/lgbt-violence-in-georgia/] (Accessed: 05-08-2024).

narrative, similar to a conception of Europe promoted by other religious nationalists within the EU.

The EU addresses the tension between its principle of equality and religious nationalism in Georgian society regarding LGBTIQ rights, through the conditionality tied to Georgia's EU membership aspirations with accompanying legal pressures, diplomatic pressures, and ongoing dialogue with Georgian authorities. The sources illustrate that the EU has been actively monitoring discrimination in Georgian society, using both encouraging language and expressions of dissatisfaction to highlight the conditions necessary for Georgia to be recommended for candidate status. Despite repeated EU requests for better enforcement of the Anti-Discrimination Law, the EU's legal pressures have not been applied, while there is also a lack of evaluation in the Reports under Visa Suspension Mechanism. The EU requests have not been critical in preventing Georgia's progress toward EU integration. The focus on legal compliance with the EU acquis has not brought religious nationalism in Georgia closer to EU values. On the contrary, anti-LGBTIQ sentiment in Georgia appears to have grown. On top of that, the EU granted Georgia candidate status, even though the Commission was aware of the challenges regarding the persecution of the 2021 Tbilisi Pride attacks.

The focus on legal compliance with the acquis does not effectively account for dynamics in Georgian society, and has not effectively addressed religious nationalism in Georgia. While the GOC and religious nationalism play important roles in shaping societal attitudes in Georgia, expecting that the enforcement issues of anti-discrimination laws can be effectively addressed by the EU would be an oversimplification. The responsibility lies primarily with the broader political and legal systems in Georgia which must balance the tension between EU aspirations and the demands of religious nationalist elements within society. The GOC and religious nationalists cannot comply with the Copenhagen criteria; only the Georgian government can. Hence, the EU cannot effectively deal with religious nationalism. As Georgia is no EU member state, the EU cannot enforce its principles through EU law and case precedents. The Copenhagen criteria, therefore, seems the only tool in which the EU can effectively incentivise Georgian legislation to comply to EU standards. However, the EU cannot enforce EU standards in Georgia through compliance with the acquis which reveals the limitations of EU leverage over Georgian society.

IV. Conclusion

This research concerned the question how the EU has addressed religious matters and religious nationalism within the EU, and in Georgia's rapprochement to the EU from the initialling of the Association Agreement in 2013 to Georgia's attainment of EU candidate status on 14 December 2023. Through analysis of online open-access EU sources it turns out that the EU addresses religious matters and religious nationalism within the EU primarily through compliance with its legislation, while in EU enlargement the EU's influence is limited to encouraging compliance with the acquis in Georgia's rapprochement to the EU, as it lacks direct jurisdiction to enforce its values, and does not adequately apply its legal pressures on Georgia.

It appears that the EU does not address religious matters directly because of its principle of subsidiarity, meaning the EU regards religious matters as a national competence. However, the EU still affects religious matters that take place within the EU when they contradict the EU's fundamental principles, such as equality, rule of law, respect for human dignity, and freedom, as mandated by the Copenhagen criteria. These fundamental principles take precedence over national legislation. The EU's tool for approaching these matters is EU legislation. However, the EU is no monolith; it comprises diverse institutions that operate independently. Chapter II has demonstrated that, while the European Commission may seem to prioritise the principle of equality over pluralism in its discourse, it actually maintains a balance with its principle of subsidiarity. As the European Parliament is divided on issues that are important to religious nationalists, and the European Council require unanimity on contentious issues, jurisprudence is crucial for shaping the EU's stance on matter in which religious and EU values are opposed.

For EU enlargement, including Georgia's rapprochement with the EU, the EU cannot rely on its legislation and case precedents due to the lack of jurisdiction of the CJEU. The acquis is the EU's only instrument that would incentivise Georgian authorities to adhere to its values. As Chapter III made clear, the EU has the possibility to apply legal pressures, but has not employed these, despite the lack of enforcement of anti-discrimination measures in Georgia. While the European Commission has been vocal about the shortcomings in the enforcement of anti-discrimination legislation, these shortcomings have not been sufficient for the EU to postpone Georgia attaining candidate status.

Regarding religious nationalism, the EU has no direct control over the dynamics within its member states and can only intervene when these dynamics conflict with EU legislation. Therefore, since religious nationalism does not inherently violate EU legislation or fundamental principles, it raises the question of whether the EU should even address religious nationalism, given that it lies beyond the Union's competences. Because of a lack of jurisdiction over Georgia, religious nationalist dynamics cannot be addressed by the EU; this responsibility lies with the Georgian government that can either comply with EU standards or appease religious nationalist demands. In reality, the Georgian government seems to balance between demands of the EU and religious nationalists, which have become more and more vocal in the researched time frame, while the EU has been increasingly regarded as encroaching on Georgian traditions.

However, this does not mean that the EU is without influence over Georgian society. While this topic is outside the scope of this research, it is plausible that religious nationalists disapprove of the many civil society organisations (CSOs) and NGOs in Georgia that align with the EU values. Since Georgia regained independence, foreign donors have played a significant role in empowering CSOs and NGOs. For example, The Open Society Foundation in Georgia (also known as the 'Soros Foundation') influenced events such as the 2003 Rose Revolution by encouraging collaboration among NGOs to amplify their collective impact on political and social change.[223] The EU, as foreign donor, has also actively supported civil society in Georgia to foster its values, such as inclusiveness and strengthening minorities in Georgian society.[224] The approval of the May 2024 Transparency of Foreign Influence law by the Georgian Parliament demanding that organisations receiving more than 20% of their funding from abroad, colloquially known as the "Russian Law" for its resemblance to the 2012 Russian foreign agent law, makes further research into the effectiveness of the EU promoting its values in Georgia through CSOs or NGOs even more interesting.

On a related note, this research has not included the role of Russia in influencing Georgian politics and the GOC for purposes of obstructing Georgia's rapprochement to the EU. More has been published on Russian influence in Georgian politics and the GOC, showing a complex picture.[225] For example, the Georgian Dream party leader and billionaire Bidzina Ivanishvili has close connections to the Kremlin and has been part of the *Semibankirschina* (seven bankers), a group of business oligarchs who played an important role in Russian politics, working together in order to re-elect Boris Yeltsin in 1996. An example for Russian influence in the GOC is that Metropolitan Anton Bulukhia allegedly is thought to have a secret relationship with the FSB, according to Georgian intelligence services. Therefore, the Kremlin wields significant influence on religious nationalist narratives in Georgia, which also contribute to the increased perception of the EU as encroaching on Georgian traditional values.

Religious nationalism often stands in conflict with EU fundamental values. As demonstrated in Chapter I, the values a society upholds are contingent on its cultural heritage and socio-political conditions. Georgia's ethno-religious nationalism is a product of a unique historical trajectory in which the Orthodox Church and nationalism are closely connected. The Church's critical role in early Georgian self-identification, and its significance in the Georgian independence movement have shaped religious nationalist values that differ markedly from the official values promoted by the EU, which have evolved through their own distinct historical process. Consequently, it is unsurprising that legislative changes,

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[223] Companjen, 'Georgia', 19,22.
[224] 'Support to Civil Society in Georgia 2024', Delegation of the European Union to Georgia (12 January 2024) [https://www.eeas.europa.eu/delegations/georgia/support-civil-society-georgia-2024_en?s=221] (Accessed: 11-08-2024).
[225] Lasha Markozashvili and Tinatini Dvalishvili, 'Russian smart power in Georgia', *Przegląd Politologiczny* (2017) 173-188 <doi:10.14746/pp.2017.22.4.14>; Tengiz Pkhaladze, ed., *Religion as the Instrument of Russian Foreign Policy towards Neighboring Countries: Georgia, Latvia, Ukraine* (Tbilisi 2012); Shota Kakabadze and Andrey Makarychev, 'A Tale of Two Orthodoxies: Europe in Religious Discourses of Russia and Georgia', *Ethnopolitics* 17 (2018) 485-502 <doi:10.1080/17449057.2018.1495367>.

determined in the Copenhagen criteria, are perceived not as a natural evolution of societal value, but rather as incomprehensible, incompatible, and imposing.

This divergence demonstrates that maintaining a union of values with new members remains challenging. As many EU citizens increasingly view the EU as overly powerful or encroaching on national identity – a sentiment reflected in the rise of conservative and nationalist parties during the 2024 European Parliament elections – religious nationalist voices gain prominence in countries where national identity intertwines with religion. With six out of nine EU candidate countries having an Orthodox majority population, EU enlargement based on the model of Copenhagen criteria is likely to further amplify religious nationalist sentiments within the EU, potentially challenging the EU's fundamental principles. Therefore, it is essential for the EU to deepen its understanding of religious nationalist movements and their influence on political dynamics across Europe.

On a concluding note, the current model of EU enlargement has its flaws. The 31-year-old Copenhagen Criteria is primarily focussed on ensuring that candidate countries meet specific democratic, economic, and legal standards before joining the EU. However, they were not designed to account for the democratic backsliding post-accession.[226] This creates a scenario where EU candidate countries can fulfil the criteria to gain membership but fail to uphold them afterward. In the current model of EU enlargement, the EU faces a dilemma: it could either insist on strict adherence to its core values, risking division, or accommodate religious nationalism to maintain cohesion. This dilemma stresses the need for the EU to engage more deeply with religious organisations, such as the GOC. Thus, as the EU faces the challenge of upholding its core values, the current model of EU enlargement may already be at a critical juncture – one that may warrant re-examination to avoid being forced into a choice between compliance or compromise.

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[226] Anna M. Meyerrose, 'Building strong executives and weak institutions: How European integration contributes to democratic backsliding', *The Review of International Organizations* 19 (2024) 307-343 <doi:10.1007/s11558-023-09507-2>.

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