

## СУЧАСНІ ПОЛІТИЧНІ ІНСТИТУТИ ТА ПРОЦЕСИ

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### RESTRICTIONS OF RELIGIOUS FREEDOM AND THE IMPLEMENTATION OF NEO-MILITANT DEMOCRACY RULE IN CRISIS-DRIVEN POLAND

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The coronavirus pandemic is another crisis in Europe that has exposed anti-democratic tendencies in the Member States of the European Union. It took place immediately after the financial crisis and the so-called refugee crisis that previously revealed such a trend. During the coronavirus pandemic, the governments have imposed a lot of different restrictions, inter alia on freedoms of peaceful assemblies, movement, or religious freedom, which may indicate the implementation of the neo-/quasi-militant democracy rule in the analyzed country. In this article, I focus only on the limitations linked to the Catholic Church. The restrictions imposed by the government mainly concerned the limited number of people who can participate in church rites and restrictions on movement for young people. In response to the introduced restrictions, there were very divided voices of clergy representing the Catholic Church. On the basis of their analysis, the positions held were classified into four groups that allow me to organize and classify the attitude of individual clergy to the introduced restrictions. The statements of the clergy were divided into those expressing approval for the introduced restrictions, denying them, expressing doubts (partial approval or negation) as well as an attitude expressing openness to the use of modern technologies in evangelization or lack of support for their use. The study revealed that religious freedom in Poland was significantly violated during the coronavirus pandemic. It was a mechanism characteristic of neo-militant democracy since the democratic freedom was restricted not to limit the sovereignty of the Polish political nation. However, the results obtained do not indicate the progressive process of neither neo- nor quasi-militant democracy rule implementation, because the restrictions appeared only during the pandemic and also covered other institutions, for example schools and universities. Earlier, before the pandemic period, one can rather talk about incidental actions limiting religious freedom. In addition, the restrictions introduced were not as restrictive for the Church as in the case of other institutions.

**Keywords:** Poland, the Catholic Church, religious freedom, pandemic, neo-militant democracy.

#### Резмер-Плотка К. Обмеження свободи віросповідання та впровадження нео-мілітарного демократичного правління у Польщі доби кризи

Пандемія коронавірусу – це ще одна криза в Європі, яка виявила антидемократичні тенденції в державах-членах Європейського Союзу. Це сталося одразу після фінансової кризи та так званої кризи біженців, що раніше виявляли вказану тенденцію. Під час пандемії коронавірусу уряд запровадив багато різних обмежень, зокрема на свободу мирних зібрань, пересування чи свободу віросповідання, що може свідчити про впровадження в аналізованій країні правила нео/квазі-мілітарної демократії. У цій статті я зосереджуюся лише на обмеженнях, що стосуються Католицької Церкви. Обмеження, встановлені урядом, стосувалися переважно обмеження кількості людей, які можуть брати участь у церковних обрядах, та обмежень щодо пересування молоді. У відповідь на введені обмеження голоси священнослужителів, що представляли Католицьку Церкву, були дуже розділеними. На підставі їх аналізу посади, що займають, були класифіковані на чотири групи, що дозволяє мені організувати та класифікувати ставлення окремих шарів духовенства до введених обмежень. Заяви духовенства поділялися на ті, які висловлювали схвалення запровадженим обмеженням, заперечували їх, висловлювали сумніви (часткове схвалення чи заперечення), а також ставлення, яке висловлювало відкритість до використання сучасних технологій в євангелізації або відсутність підтримки їх використання. Дослідження показало, що свобода віросповідання в Польщі була значно порушена під час пандемії коронавірусу. Це був механізм, характерний для нео-мілітарної демократії, оскільки демократична свобода була обмежена, щоб не обмежувати суверенітет польської політичної

нації. Однак отримані результати не свідчать про поступовий процес впровадження ані нео-, ані квазі-мілітарних правил демократії, оскільки обмеження з'явилися лише під час пандемії та охоплювали й інші установи, наприклад, школи та університети. Раніше, до періоду пандемії, швидше можна говорити про випадкові дії, що обмежують свободу віросповідання. Крім того, введені обмеження не були настільки жорсткими для Церкви, як у випадку з іншими установами.

**Ключові слова:** Польща, Католицька Церква, свобода віросповідання, пандемія, неомілітарна демократія.

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### Introduction

The coronavirus pandemic is another crisis in recent years that has revealed anti-democratic tendencies in Europe. Earlier, this trend was revealed, among others, after the financial crisis, and then after the so-called refugee crisis [1]. In the era of epidemiological threat, numerous serious restrictions and limitations began to be implemented to prevent the spread of the virus on a massive scale. However, it began to be noticed by for example J. Rak [2], W. Możgin [3] and G. Androutsopoulos [4] and others that some of the solutions were associated with a significant limitation of the rights and freedoms of citizens, and some of them were considered unjustified. Among other things, freedom of movement, the right to peaceful assembly, but also religious freedom has been restricted.

The article refers to the main restrictions that were introduced in connection with the coronavirus pandemic regarding the Church and the statements of individual church hierarchs. Subsequently, they were classified according to the nature of the statements and the infringements indicated. The paper solves the following research problem: to what extent the restrictions of religious freedom fall into the pattern of a mechanism characteristic of neo-militant democracy in Poland during the coronavirus crisis. Accordingly, it aims to evaluate to what extent the democratic freedom was restricted either to limit the sovereignty of the Polish political nation or to protect the public health. This research problem is important from the perspective of studies on neo- and quasi-militant democracy in Poland because it uncovers the nature and direction of recent changes in the state structure. Recent works by P. Osiewicz [5], M. Skrzypek [6], J. Rak and R. Bäcker [7] and others focused on the changes in the political regime, relationships between contentious politics and the militant democracy rule, and neo-/quasi-militant democracy and legitimacy. They also discussed the role of the sovereignty of the political nation in neo-/quasi-militant democracy development. This article is innovative in its focus on the role of religious issues in shaping the social aspect of the state structure determined by militant democracy's restrictions.

Here, note should be taken that in Poland, the Catholic Church is a significant institution and restrictions were gradually imposed on it. This was met with resistance from both some of the faithful and clergy, who began to speak out on this issue and ask the government to lift these restrictions. Religious freedom consists of the following elements: freedom to worship; places of worship; religious symbols; observance of holidays and days of rest; appointing clergy; teaching and disseminating materials (including missionary activity); the right of parents to ensure the religious and moral education of their children; registration; communicate with individuals and communities on religious matters at the national and international level; establish and maintain charitable and humanitarian institutions/solicit and receive funding; conscientious objection [8]. The restriction of religious freedom is one of the characteristic manifestations of the process of militant democracy, i.e. a situation in which, within the political system, the parliament [9] and the judiciary are equipped with legal means to limit individual democratic freedoms in order to defend democracy against those who are considered its enemies [10, 418].

### Restrictions on the Catholic Church in the pandemic

Restrictions on religious freedom have changed over the months depending on the scale of the epidemiological threat, however, the purpose of the article is not to describe in detail each wave of the pandemic, which is why only general restrictions that have appeared since the beginning of the announcement in the Polish of the coronavirus epidemic have been indicated. For the article, it is more important that such restrictions were introduced at all than at what stage they were introduced or when they were weakened or completely eliminated. It should also be pointed out that the Church has also introduced internal restrictions, e.g. regarding rituals during Holy Mass or a possible dispensation from participation. The restrictions that have been introduced in Poland related to the Catholic Church at the government level are: (1) a certain number of people who can take part in rites, e.g. services, special events inter alia funerals and weddings; and (2) restriction of the movement of minors, some of them are faithful.

The problem in this case is not the protection of public health and the actions that have been taken for this purpose, but the manner and scope of the restrictions introduced, because all issues related to worship have the right to be determined only by the ecclesiastical authority, primarily on the basis of the concluded concordat [11, 93-94]. In this case, although the sovereignty of the political nation was not violated, the sovereignty of the Catholic Church was not. The restrictions related to the pandemic have become an interference not only in religious freedom, but are also a violation of the principle of separation of Church and State.

### Clergy in the face of restrictions relating to the Catholic Church

The statements of the church hierarchs and individual clergy were and still are considerably divided. On the basis of their analysis, a classification was made that allows me to organize, classify, and indicate the main tendencies and divisions in the positions taken by representatives of the Catholic Church. Within each group, the most expressive and flagship oral statements were quoted, or given in written form and addressed to the government or the faithful.

1. Statements expressing approval for the actions taken:
  - a) Full approval of the activities: Archbishop Metropolitan of Krakow Marek Jędraszewski encouraged the faithful to care for themselves and others, expressed solidarity with the faithful, but at the same time asking them to follow sanitary recommendations [12]. A similar appeal was made in a letter to the faithful by the Metropolitan Archbishop of Łódź, Grzegorz Ryś [13]
2. Doubts: partial approval or partial negation: the Bishop of Kielce, Jan Piotrowski, asked the faithful for caution, but at the same time he appealed for respecting the needs of Catholics, referring to the citizens' willingness to understand the benefits resulting from the introduced restrictions [14]
3. Statements which undermine the sense of the introduced restrictions:
  - a) Entirely undermining: Archbishop Gądecki, who is the chair of the Polish Episcopal Conference, in his article on pastoral ministry after the pandemic, indicated, inter alia, on doubts regarding compliance with the constitution and concordat regulations for restrictions introduced in relation to the Church. Moreover, he stated that the introduced restrictions were used by groups hostile to the Church. He also pointed out that for the sake of the good of democracy, in which respect for religious freedom is of great importance, he leaves these issues for reflection and analysis to the state authorities and drawing conclusions for the future [15]. Although the words of the archbishop express many doubts, they definitely represent an attitude that denies the sense of the introduced restrictions. Bishop Ignacy Dec spoke in a similar tone, pointing to the restrictions cannot be accepted, because it is in the Church that believers can find help in any situation [16]. Both hierarchs also referred to the history of Poland, where religious freedom had never been restricted in this way.
4. "Innovative" statements encouraging the use of modern technologies or negating their use: The spokesman of the Polish Bishops' Conference explicitly stated that "what happens online is not participation. This is not the same" [17]. In this context, it is worth noting that in the case of the Paschal Triduum, the bishops recommended participation by means of social communication such as television, radio and the Internet [18].

It should be emphasized that the quoted statements were selected on purpose, as the most expressive and unambiguous, and due to the rank of the clergy. Undoubtedly, the positions of specific clergymen may have changed over the months, but this does not ultimately change the intention of this article. The indicated division is conventional, but it reflects the existing divisions and the attitude of the Church to the introduced restrictions considered a militant democracy means. In this case, the study concerns the Catholic Church, but similar ones also appear in relation to other churches, such as the Polish Autocephalous Orthodox Church [19].

### Conclusions

During the coronavirus pandemic in Poland, religious freedom was considerably violated. Nevertheless, it was a mechanism characteristic of neo-militant democracy since the democratic freedom was restricted not to limit the sovereignty of the Polish political nation. The statements of the clergy that appeared at that time expressed the divisions existing in the Church regarding the introduced restrictions. The positions taken by the representatives of the Catholic Church can be divided into four main groups, i.e. approval, negation, doubts (partial approval or negation) and an attitude that expresses openness to the use of modern technologies in "proclaiming the Word of God" or negating their use. There is no doubt that, despite divided opinions, religious freedom was limited during the period under study. If it were considered alongside other restrictions, one could notice the progressive process of a militant democracy rule implementation, and even its acceleration. However, if we were to focus solely on religious freedom and analyze the situation of the Catholic Church in Poland before the pandemic, it would be difficult to speak of a significant restriction of religious freedom. Sporadic pre-pandemic incidents should not be considered in this case as a significant signal that Poland is becoming a neo- or quasi-militant democracy, depending on how a particular limitation impacts the sovereignty of the Polish political nation. The situation would be different if other factors that stand out when researching militant democracy processes are also taken into account [20]. In such a situation, it is possible to quite precisely define democratic or anti-democratic tendencies in a given country on the basis of, for example, the frequency of occurrence of a specific group of factors. In addition, the introduced restrictions also applied to other institutions, such as schools or universities, and even in the case of the Church there was a period that was not as restrictive as in the case of other entities or industries such as gastronomy.

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