

THE LIMITATIONS OF EXTERNAL MANIFESTATIONS OF FREEDOM OF RELIGION AND STATE SECURITY. PANDEMIC CRISIS, STATE AND CATHOLIC CHURCH IN SLOVAKIA*

Dr. Michaela Moravčíková

Faculty of Law, Trnava University in Trnava, Slovak Republic
e-mail: moravcikova@gmail.com; <https://orcid.org/0000-0002-0856-0286>

Dr. Martin Šabo

Faculty of Law, Trnava University in Trnava, Slovak Republic
e-mail: martin.sabo@truni.sk; <https://orcid.org/0000-0002-7987-1364>

Abstract. The paper focuses on research of the relationship between the State and the Catholic Church in an emergency such as the current pandemic health crisis, affecting human rights, including the fundamental right to religious freedom. In such a situation, constructive relations based on mutual respect of subjects, who are also aware of their place in a democratic society, are very important. We will illustrate the study of these relations and their development in the article in the conditions of the Slovak Republic. The article deals mainly with the period during the so-called first wave of the Covid-19 pandemic in Slovakia. Although other waves of the pandemic have already passed, it seems that restrictions on religious freedom have not been sufficiently analyzed.

Keywords: religious freedom, pandemic crisis, restrictions, State, Covid-19

1. ONE EXTRAORDINARY SITUATION IN THE FIELD OF STATE-CHURCH RELATIONS

Freedom of thought, conscience and religion are the trinity of freedoms that can be called the basis of all human rights and freedoms.¹ Concerning religion, any restriction on the internal forum is unthinkable, but it is possible to restrict the outward expression of religious freedom in certain circumstances. The Covid-19 pandemic has also presented us with a serious challenge in human rights protection area in the context of protecting the health of the popu-

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¹ See more Sobczyk 2020.

lation. There has been much debate about the appropriateness of measures, including restrictions on association and participation in worships and other pastoral activities, to prevent the spread of infection. Naturally, the questions of the appropriateness of restrictions on the gathering of people at religious services and other public events were most prominently discussed before the visit of Pope Francis to Slovakia. Which stems from the extraordinary nature of the event. Nevertheless, we are concentrating primarily on the first, initial phase of the pandemic. We are also looking at the social manifestations, which makes us more of a socio-legal survey.

The Slovak Republic, especially practicing Catholics, awaited the pastoral visit of Pope Francis (September 12–15, 2021) a lot. As in the previous period, the state's policy concerning the protection of the population's health, among other factors, widely discussed the conditions for possible participation of a more significant number of believers.

The most common condition is the so-called “full vaccination” for those who wanted to participate in mass meetings and events with the Pope Francis. According to President of the Conference of Slovak Bishops Stanislav Zvolenský, this decision has been perceived in the spirit of Demands that the state leadership imposed to ensure as many people as possible are able to participate in meetings with the Pope. “We have been informed that, from a security point of view and in terms of technical possibilities, this is the only real way of not radically limiting the number of participants,” said the Archbishop of Bratislava. He claims that it is important for them to have decided and what they are up to so that they can continue with further preparations for the Pope's visit. He asks everyone to understand the information in good wills and ask the followers for prayers.²

At the heart of the social debate, on the one hand, Pope Francis' example comes to the fore in his approach to vaccination against Covid-19 [Moravčíková 2021, 3–12], and, on the other hand, his openness to everyone, without distinction. Fatigue from anti-pandemic measures is fully manifested in the society. Efforts to maintain a scientific approach, to unify the society and to solve crisis situations in practice are essential. Sensitivity is needed in all efforts to restrict certain freedoms, not excluding external manifestations of religious freedom.

² See <https://bratislavskykraj.sk/stretnutia-s-papezom-sa-budu-moct-zucastnit-len-plne-zaockovani/> [accessed: 21.07.2021]; <https://www.abuba.sk/abuba/node/1131> [accessed: 03.09.2021].

2. REACTION OF CHURCHES IN THE SLOVAK REPUBLIC AT THE BEGINNING OF THE PANDEMIC

Like the whole world, the citizens of the Slovak Republic were surprised by a contagious coronavirus pandemic at the beginning of 2020. To slow down its spread, it was necessary to take unprecedented measures in a democratic society, which interfered with the restriction of the basic human rights and freedoms of citizens living in a democratic society. These measures also included significant interference with the right to exercise religious freedom.

On the day of the first confirmed case of coronavirus infection in the Slovak Republic on March 6, 2020, the President of the Conference of Bishops of Slovakia, Archbishop Stanislav Zvolenský, on behalf of all bishops of the conference, recommended to Catholic priests and believers to regularly follow and respect the instructions and at the same time cooperated with the relevant representatives of the public administration.³ Already in this first recommendation, the Catholic Church came up with a declaration of its own restrictions, which were drawn on the experience of countries that had previously been affected by the pandemic. Restrictions included not organizing pilgrimage trips to Slovakia or abroad, restrictions on all social events except liturgical celebrations, abolition of the obligation of believers to attend Sunday services, increased observance of sanitary measures by priests, non-use of shrines, books, rosaries and other common objects in churches by believers, including handshake at the sign of peace in the liturgy. The recommendation also states that the overflow of temple spaces and the sacrament of reconciliation should be avoided – confession, that it should be served only in a confession with a grid to be covered by a translucent barrier. Finally, the bishops call for peace, non-concern, and assistance to those in need. They especially emphasize the memory of the sick and health workers.⁴ Church leaders, aware of the health risk for believers, have taken a remarkably quick, active, and responsible attitude, without passively waiting for state action.

Further measures followed in quick succession. In particular, the administration of Holy Communion by hand, which was first introduced in the Bratislava Archdiocese, and the recommendation that elderly and sick believers should not take part in worship as a precaution.⁵

³ See <https://www.tkkbs.sk/view.php?cisloclanku=20200306031> [accessed: 06.03.2020].

⁴ Ibid.

⁵ See <https://www.tkkbs.sk/view.php?cisloclanku=20200307001> [accessed: 07.03.2020].

3. REACTION OF CHURCHES TO THE ADOPTED RESTRICTIVE MEASURES OF THE STATE

Very soon after the first case, the state took strict measures to prevent the spread of the epidemic, including a ban on the public celebration of services. The decree was adopted by the Catholic bishops with pain, but with a peaceful and rational assessment of the situation. In the adopted opinion, they state that the Prime Minister of the Slovak Republic, Peter Pellegrini, informed them of the decision that, with effect from 10 March to 23 March 2020, public services may not be held in the territory of the Slovak Republic. Bishops further call on priests and believers to obey this ban.⁶ The response to the ban on public celebrations was the broadcasting of Holy Mass through the Catholic mass media.⁷

Adopting this unprecedented ban in a time of a free democratic society was not entirely without problems. In its first reaction, the Orthodox Church did not accept the ban on public services and declared that it would continue to celebrate public services, receive from one chalice and kiss icons.⁸ After the storm that this attitude provoked in the Slovak media and the prime minister's convention, the representatives of the Orthodox Church withdrew and also began to respect the regulation. The fact that the order of the public ban on worship was not easily adopted even in the environment of the majority Catholic Church testifies to the fact that the Chief Hygienist justified his stance on the website of the Conference of Bishops of Slovakia⁹ and the spokesman of the bishops had to return to the subject in an unconventional personal call to the spiritual church.¹⁰ Other registered churches and religious societies took measures constructively, without major media outlets.

4. STATE-CHURCH RELATIONS DURING A PANDEMIC CRISIS

After the initial shock from the onset of the epidemic and the measures taken, civic and religious leaders focused on the adoption and application of measures taken on a daily basis by the Public Health Office following the decisions of the crisis staff at the time of declaring a state of emergency in the Slovak Republic on 15 March 2020.¹¹ From the legal point of view, the fact

⁶ See <https://www.tkkbs.sk/view.php?cisloclanku=20200310023> [accessed: 10.03.2020].

⁷ See <https://www.tkkbs.sk/view.php?cisloclanku=20200310022> [accessed: 10.03.2020].

⁸ See <https://svetkrestanstva.postoj.sk/52474/pravoslavna-cirkev-bude-nadalej-vykonavat-bohosluzby> [accessed: 03.09.2021].

⁹ See <https://www.tkkbs.sk/view.php?cisloclanku=20200311032> [accessed: 11.03.2020].

¹⁰ See <https://www.tkkbs.sk/view.php?cisloclanku=20200311034> [accessed: 15.03.2020].

¹¹ See <https://www.slov-lex.sk/-/vyhlasonie-nudzoveho-stavu?inheritRedirect=true&redirect=%2Fdomov> [accessed: 15.03.2020].

that measures to restrict religious freedom were taken before the declaration of a state of emergency may be interesting, and if the church decided to defend itself against them, it would have strong legal arguments in its favor, but decided to follow the path of cooperation. Pandemic threats were relevant not only to believers but to all citizens of the state. Church leaders thus continued to call for peace, respect for measures, and at the same time, Catholic communities were engaged in concrete help in coping with the crisis.¹² In many religious communities in Slovakia, they started sewing veils.¹³

The beginning of the onset of the epidemic in the Slovak Republic coincided with a change of the government after the end of the parliamentary elections, which took place just before the announcement of the first confirmed case. This change in society has raised concerns about how the new government will handle its accession and whether the epidemic will spiral out of control. In this atmosphere, the President of the Conference of Bishops of Slovakia sent congratulations to the new government on its appointment,¹⁴ in which he denied them to work successfully for the benefit of all citizens of the Slovak Republic and at the same time thanked the outgoing cabinet.

However, the application of the measures did not happen without problems in the Slovak catholic parishes. Some of the priests with believers failed to respect the prohibition of the public celebration of religious services, which had to be addressed by some dioceses' bishops by issuing warning opinions.¹⁵

Significant and challenging was the decision to extend the restrictions adopted until further notice,¹⁶ which meant that the most important Christian holidays of Easter would not be celebrated during public services. During the epidemic, this was the most serious intervention in the practice of religious freedom, which was adopted in a society-wide atmosphere of mutual solidarity. By decision of the state authorities, public catering facilities, accommodation, sports and cultural centers, educational institutions of all types were closed, many plants were either closed or worked in the form of a home office. During the Easter holidays, the Government of the Slovak Republic approved a curfew and gathering,¹⁷ which was controlled by security forces. The celebration of Easter by believers in Slovakia and in the world was marked by the impossibility of celebrating public worship. In this situation, the public media also brought live broadcasts of services from the Vatican, where they were served by Pope Francis, either in the empty Basilica of St. Peter, in its

¹² See <https://www.tkkbs.sk/view.php?cisloclanku=20200317013> [accessed: 13.05.2020].

¹³ See <https://www.tkkbs.sk/view.php?cisloclanku=20200319020> [accessed: 19.03.2020].

¹⁴ See <https://www.tkkbs.sk/view.php?cisloclanku=20200331001> [accessed: 21.03.2020].

¹⁵ See <https://www.tkkbs.sk/view.php?cisloclanku=20200322002> [accessed: 22.03.2020].

¹⁶ See <https://www.tkkbs.sk/view.php?cisloclanku=20200328010> [accessed: 28.03.2020].

¹⁷ See <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/72> [accessed: 25.04.2020].

courtyard, or in the House of St. Maty, where the Pope is lives.¹⁸ The bishops returned to the subject of the celebration of Easter, saying that its celebration without believers was painful and very strange.¹⁹ However, in the statement, they emphasized the possibility of broadcasting services via television, radio and the Internet, without any criticism of the regulations adopted.

5. GRADUAL LIBERATION OF MEASURES TO PREVENT THE SPREAD OF THE PANDEMIC CRISIS

In the week after the end of Easter, when it became clear that the spread of the epidemic in the Slovak Republic had slowed down significantly and new cases of infection and death were low compared to other countries, the bishops began to suggest the need to consider tightening restrictions rights to religious freedom, as this has also begun to be considered abroad in countries with a much more serious situation.²⁰ They continued these signals without direct criticism from state officials in Slovakia, drawing attention to the easing of measures abroad, especially in Germany and Austria.²¹ During this period, the Catholic Church in Slovakia, as well as the Slovak Republic, through the Ministry of Foreign Affairs, showed solidarity with Italy. The Catholic Church sent a financial donation of 200,000 euros²² to the Italian Bishops' Conference, and the state sent protective medical devices worth 300,000 euros.²³ This symbolic gesture was also a manifestation of the good situation in the Slovak Republic, a manifestation of good relations between the Catholic Church and the state in Slovakia, but also another reminder that it is necessary to consider easing strict restrictive measures related to the ban on public celebrations. As the measures remained in force, Slovak bishops began to draw attention to the fact that bishops in some countries abroad were protesting against the restrictive measures of the local governments, without directly criticizing the government in Slovakia.²⁴ At this time, the public debate on the easing of measures had already begun, to which the church had already responded directly, as believers increasingly eagerly awaited the resumption of public celebrations and began to criticize church leaders not speaking out against further restrictions.²⁵ The reaction showed that the church was conducting intensive negotiations with responsible experts from the state on the timing and form of relaxation of

¹⁸ See <https://www.tkkbs.sk/view.php?cisloclanku=20200410008> [accessed: 10.04.2020].

¹⁹ See <https://www.tkkbs.sk/view.php?cisloclanku=20200417022> [accessed: 14.04.2020].

²⁰ See <https://www.tkkbs.sk/view.php?cisloclanku=20200418006> [accessed: 18.04.2020].

²¹ See <https://www.tkkbs.sk/view.php?cisloclanku=20200422033> [accessed: 26.04.2020].

²² See <https://www.tkkbs.sk/view.php?cisloclanku=20200423041> [accessed: 26.04.2020].

²³ See <https://www.tkkbs.sk/view.php?cisloclanku=20200424021> [accessed: 26.04.2020].

²⁴ See <https://www.tkkbs.sk/view.php?cisloclanku=20200427032> [accessed: 30.05.2020].

²⁵ See <https://www.tkkbs.sk/view.php?cisloclanku=20200501001> [accessed: 30.05.2020].

measures, without entering into the public debate and criticism of the government on this issue. This reaction was in line with the way the Catholic Church had so far negotiated with the state, trying to maintain a constructive stance. On May 4, 2020, Prime Minister Igor Matovič announced that from May 6, 2020, public services in Slovakia would be resumed in compliance with strict hygienic measures.²⁶ The Church welcomed this decision²⁷ and issued a statement on how to comply with the guidelines of the Public Health Office, which were to be issued additionally.²⁸ This fact indicated that the regulation was adopted in agreement with the church, which was also beneficial for the state, as the church had to ensure its observance in practice. The Public Health measure²⁹ was issued on the second day after the announcement of the release of the restrictions. The Chief Hygienist of the Slovak Republic, Ján Mikas, also provided an explanatory opinion on it.³⁰ In the opinion, he emphasizes the specific regulations that must be observed so that the public celebration of services does not pose a health risk. From the public discussion, the most sensitive perception was the possibility of attending services for people over 60 years of age.³¹ Finally, the adopted opinion recommended that special services be set aside for these people. In the context of the inter-church discussion, the most important issue proved to be respecting the administration of Holy Communion in the hand and not in the mouth, to which the spokesman of the conference of bishops had to respond several times.³² Otherwise, euphoric moods prevailed among the clergy and believers within the church,³³ which was underlined by the further good development of the epidemiological situation in Slovakia, further gradual relaxation of measures in all areas of public life and gradual normalization of everyday life.

However, the bishops did not fully succumb to this atmosphere and continued to call for caution,³⁴ while maintaining and adhering to the restrictions that resulted from the measures taken by state institutions, as well as the bishops' conference itself. At the same time, they began to address the social consequences that the health crisis was already bringing and would bring in the future in the form of an economic downturn due to the downturn in the

²⁶ See <https://www.tkkbs.sk/view.php?cisloclanku=20200504030> [accessed: 30.05.2020].

²⁷ See <https://www.tkkbs.sk/view.php?cisloclanku=20200504032> [accessed: 30.05.2020].

²⁸ See <https://www.tkkbs.sk/view.php?cisloclanku=20200504033> [accessed: 30.05.2020].

²⁹ See http://www.uvzsr.sk/docs/info/covid19/opatrenia_hromadne_podujatia_bohosluzby.pdf [accessed: 30.05.2020].

³⁰ See <https://www.tkkbs.sk/view.php?cisloclanku=20200505037> [accessed: 30.05.2020].

³¹ See <https://rajtakova.blog.sme.sk/c/534847/preco-im-rovno-nepoviete-ze-su-nesposobili.html> [accessed: 30.05.2020].

³² See <https://www.tkkbs.sk/view.php?cisloclanku=20200507032> [accessed: 30.05.2020].

³³ See <https://www.tkkbs.sk/view.php?cisloclanku=20200511028> [accessed: 02.06.2020].

³⁴ See <https://www.tkkbs.sk/view.php?cisloclanku=20200513023> [accessed: 02.06.2020].

world economy.³⁵ Several organizations established by the church, or its members, helped mitigate social impacts during the epidemic and began to feel an increased interest in their services.³⁶ However, despite the improvement of the situation, new restrictive measures concerning the conduct of public pilgrimages were also adopted,³⁷ with the participation of more than 1000 participants. In this context, for the second time in its centuries-old history, the Levoča Pilgrimage, the largest mass pilgrimage of Catholic believers in Slovakia, was abolished for the year 2020.³⁸

CONCLUSIONS

In the illustrative case of a serious health crisis, we examined the relationship of the state, which is not tied to any ideology, or religion and the church, when it was in the public interest to cooperate, for serious reasons of health protection, especially the most vulnerable groups. While respecting mutual autonomy, it can be stated that this cooperation was beneficial not only for both entities, but for the whole society. Promoting the non-exclusion of believers from public life, their active participation in solving the problems of society is important in the long run for creating the preconditions for better solutions to serious problems now and in the future.

In this context, the public debate in Slovakia raised the question of whether a practicing believer can be a minister of health. It was mainly a question of abortion, but also other cultural and ethical issues, which have been part of the social debate for several years. An interesting answer to this question was provided by the seemingly insignificant event of the unveiling of a memorial plaque to the Greek Catholic bishops Pavol Peter Gojdič, who was tortured for his faith under the former communist regime. This tribute to the bishop – martyr was organized by the Jewish religious community together with the Greek Catholic Church in Slovakia. On this occasion, Igor Rintel, President of the Central Union of Jewish Religious Communities in Slovakia, said: “There are a lot of historical events that brought the Jews to suffering. Therefore, we are sensitive to the lawlessness, treading upon human rights and the persecution of the people of the ideological and religious reasons. Bishop Gojdič was by state power persecuted in that time, when the communist regime once again took aim at the Jews and saw the origin of evil in them (for example, a process with Slánským). Bishop Gojdič, however, paid

³⁵ See <https://www.tkkbs.sk/view.php?cisloclanku=20200516007> [accessed: 02.06.2020].

³⁶ See <https://www.tkkbs.sk/view.php?cisloclanku=20200519051> [accessed 2020 June 2].

³⁷ See <https://www.tkkbs.sk/view.php?cisloclanku=20200519052> [accessed: 02.06.2020].

³⁸ See <http://ik.levoca.eu/marianska-put-v-levoci-v-roku-2020-nebude/> [accessed: 30.05.2020].

the highest price for their religion and for steadfastness of their faith – his life.”³⁹ From the point of view of the past is dangerous to judge and condemn a man based only on his religious beliefs and for this reason disqualify him from performing public functions. A historic statement was made at the event as well: The Chairman of the National Council of the Slovak Republic, on the occasion of the 70th anniversary of the abolition of the Greek Catholic Church in former Czechoslovakia and on the occasion of the 60th anniversary of the martyrdom of its bishop, Pavol Peter Gojdic in prison, expressed to the Greek Catholic Church in Slovakia, represented by its highest representatives, an official apology for its illegal and undemocratic outlaw status. He added that a successful future and recognition awaits only those nations that can deal with the dark chapters of their past, build on the good and clearly name the evil.⁴⁰ Paradoxically, at the same time, the Catholic Church was being ridiculed on a public television show at the same time.⁴¹ The preservation of the democratic character of the state cannot be based on the suppression of personal beliefs, but about learning mutual tolerance, an open, yet respectful discussion, and equivalent to conditions in which every citizen should be able to freely develop their strengths and use them for the benefit of the whole country. And such opportunities are the manifestation of the intercultural dialogue which can overcome years of building the gap between individuals, culturally, ethnically, and religiously different components of the society [Moravčíková 2014]. Undoubtedly, the forthcoming visit of Pope Francis to Slovakia will be another impetus for the development of the best traditions and approaches to a better life together for all.

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³⁹ See <https://www.tkkbs.sk/view.php?cisloclanku=20200522028> [accessed: 10.06.2020].

⁴⁰ See <https://www.tkkbs.sk/view.php?cisloclanku=20200525046> [accessed: 10.06.2020].

⁴¹ See <https://slovenskydohovorzarodinu.sk/clanky/dokedy-budeme-toto-trpiet-ziadame-o-verejne-ospravdlnenie/> [accessed: 07.09.2020].