

STATEMENT OF THE POLISH EPISCOPAL CONFERENCE AND POLISH BISHOPS ON THE COVID-19 PANDEMIC. AN OUTLINE

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Abstract. Under canon law, both the Holy See, the Polish Episcopal Conference as well as individual diocesan bishops, issued many appeals, guidelines, decrees and dispensations in which they adhered to the safety rules introduced by the Polish government during the pandemic. The article discusses the statements of competent ecclesiastical authorities concerning the pandemic circumstances.

Keywords: religious freedom; State-Church relations; bishops' conference; diocesan bishop

INTRODUCTION

According to the teaching of the Second Vatican Council, “It is very important, especially where a pluralistic society prevails, that there be a correct notion of the relationship between the political community and the Church, and a clear distinction between the tasks which Christians undertake, individually or as a group, on their own responsibility as citizens guided by the dictates of a Christian conscience, and the activities which, in union with their pastors, they carry out in the name of the Church. [...] The Church and the political community in their own fields are autonomous and independent from each other.”¹ The principle of Church-State independence and autonomy is incorporated also in the Polish normative acts, especially: the 1997 Constitution of the Republic of Poland² and the Concordat between the Holy See and the Republic of Poland of 1993.³

¹ Sacrosanctum Concilium Oecumenicum Vaticanum II, *Constitutio Pastoralis de Ecclesia in mundo huius temporis Gaudium et spes* (07.12.1965), AAS 58 (1966), p. 1025-115, no. 76.

² “The relationship between the State and churches and other religious organizations shall be based on the principle of respect for their autonomy and the mutual independence of each in its own sphere, as well as on the principle of cooperation for the individual and the common good.” See Article 25(3) of the Constitution of the Republic of Poland of 2 April 1997, *Journal of Laws* No. 78, item 483 as amended.

³ “The Republic of Poland and the Holy See shall confirm that the State and the Roman Catholic Church are, each in its domain, independent and autonomous, and shall undertake

It is the obligation and inherent right of the Church – independent of any human authority – to preach the Gospel to all peoples. For this purpose, the Church can even use its own means of social communication [Sitarz 2021, 339]. It should be noticed that especially in extraordinary conditions, such as the Covid-19 pandemic, the Church and State (which are there to serve people), should guarantee citizens and the faithful the exercise of their rights.

This article will address the appeals and guidelines issued by the Polish Episcopal Conference as well as decrees issued by individual diocesan bishops during pandemic circumstances.

1. COMPETENCES OF THE CONFERENCE OF BISHOPS

In promulgating the 1983 Code of Canon Law,⁴ in Canon 447 the legislator says, “A conference of bishops, a permanent institution, is a group of bishops of some nation or certain territory who jointly exercise certain pastoral functions for the Christian faithful of their territory in order to promote the greater good which the Church offers to humanity, especially through forms and programs of the apostolate fittingly adapted to the circumstances of time and place, according to the norm of law.”⁵ The conference of bishops contributes to the realization and development of the spirit of collegiality among members of the same Episcopate.

Pursuant to the Directory for the pastoral ministry of bishops *Apostolorum Successores*,⁶ “through the Conference, the Bishops fulfil certain pastoral functions jointly for the faithful of their territory. Such action corresponds to the need, particularly evident today, for Bishops to provide for the common good of particular Churches through an agreed and well coordinated policy” (no. 28). The Conference fulfils its competences in all kinds of pastoral areas through: 1) the joint regulation of certain pastoral matters via

to fully respect this principle in mutual relations and cooperation for the growth of the human being and the common good.” See Article 1 of the Concordat between the Holy See and the Republic of Poland done at Warsaw on 28 July 1993, Journal of Laws of 1998, No. 51, item 318.

⁴ *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (25.01.1983), AAS 75 (1983), pars II, p. 1-317 [hereinafter: CIC/83].

⁵ Lat. “Episcoporum conferentia, institutum quidem permanens, est coetus Episcoporum alicuius nationis vel certi territorii, munera quaedam pastoralia coniunctim pro christifidelibus sui territorii exercentium, ad maius bonum provehendum, quod hominibus praebet Ecclesia, praesertim per apostolatus formas et rationes temporis et loci adiunctis apte accommodatas, ad normam iuris.”

⁶ *Congregazione per i Vescovi, Directorio per il ministero pastorale dei vescovi Apostolorum Successores* (22.02.2004), Libreria Editrice Vaticana, Città del Vaticano 2004 [hereinafter: AS].

general decrees, binding both the Bishops and the faithful of the territory; 2) the transmission of the doctrine of the Church in a more incisive way and in harmony with the particular character of a nation and circumstances of life of its Christian faithful; 3) the coordination of individual efforts through common initiatives of national importance in apostolic and charitable fields; 4) a channel for dialogue with the political authority common to the whole territory; 5) the creation of valuable common services, which many dioceses are unable to provide alone (*ibid.*).

2. COMPETENCES OF THE DIOCESAN BISHOP

In Canon 381 para. 1 CIC/83 the highest legislator says, “A diocesan bishop in the diocese entrusted to him has all ordinary, proper, and immediate power which is required for the exercise of his pastoral function except for cases which the law or a decree of the Supreme Pontiff reserves to the supreme authority or to another ecclesiastical authority.”⁷ Furthermore, “It is for the diocesan bishop to govern the particular church entrusted to him with legislative, executive, and judicial power according to the norm of law” (Canon 391 para. 1),⁸ but he exercises legislative power himself (Canon 391 para. 2).

The Congregation for the Bishops says that “the meaning of legislative power does not consist solely in the local enforcement or application of juridically binding norms issued by the Holy See or the Episcopal Conference, but it extends also to the regulation of any pastoral matter in the diocesan forum that is not reserved to the supreme authority or to some other ecclesiastical authority” (AS 67). In exercising the legislative function, the diocesan bishop should keep in mind that the norms always respond to a real pastoral necessity.

3. APPEALS, GUIDELINES AND DECREES ISSUED BY ECCLESIASTICAL AUTHORITIES IN POLAND

On 20 March 2020, the Minister of Health issued a regulation declaring the state of epidemic in the territory of the Republic of Poland.⁹ During pan-

⁷ Lat. “Episcopo dioecesano in dioecesi ipsi commissa omnis competit potestas ordinaria, propria et immediata, quae ad exercitium eius muneris pastoralis requiritur, exceptis causis quae iure aut Summi Pontificis decreto supremae aut alii auctoritati ecclesiasticae reserventur.”

⁸ Lat. “Ecclesiae universae unitatem cum tueri debeat, Episcopus disciplinam cunctae Ecclesiae communem promovere et ideo observantiam omnium legum ecclesiasticarum urgere tenetur.”

⁹ See Journal of Laws, item 491. More about the state restrictions see Stanisław Wadowski,

demic circumstances, both the Chair of the Polish Episcopal Conference,¹⁰ the Presidium of the Conference¹¹ and the Commissions of the Conference,¹² issued many appeals, guidelines, as well as decrees and dispensations issued by the individual diocesan bishops,¹³ in which they adhered to the safety rules introduced by the Polish government during the pandemic [Sitarz 2021, 343].¹⁴

The Chair of the Polish Episcopal Conference in a letter of April 15, 2020 to the Prime Minister of the Republic of Poland, requested a more coherent and fair system of limiting the number of people in public space, including in temples. Archbishop Stanisław Gądecki emphasized that the Catholic Church in Poland respectfully accepts the activities of the Polish State, aimed at protecting the health and life of Poles in a pandemic situation. Furthermore he pointed out the need for a more consistent, proportionate

Szulich-Kałuża, et al. 2022, 4-5.

¹⁰ See i.a. *Komunikat Przewodniczącego Konferencji Episkopatu Polski* [Communiqués the Chair of the Polish Episcopal Conference] of: February 28, 2020; March 10, 2020; March 13, 2020; March 24, 2020; April 3, 2020; May 14, 2020; May 27, 2020; June 9, 2020; June 26, 2020; August 7, 2020; October 16, 2020; February 10, 2021. See <https://episkopat.pl/dokumenty-na-czas-epidemii-koronawirusa/> [accessed: 30.09.2022].

¹¹ For example: *Wskazania dla biskupów odnośnie do sprawowania czynności liturgicznych w najbliższych tygodniach* [Indications of the Episcopate's Presidium for bishops regarding liturgical activities in the coming weeks] of March 21, 2021. See <https://episkopat.pl/dokumenty-na-czas-epidemii-koronawirusa/> [accessed: 30.09.2022].

¹² For example: *Komunikat Komisji Kultu Bożego i Dyscypliny Sakramentów KEP ws. Komunii Świętej na rękę* [Announcement of the Commission of Divine Worship and the Discipline of the Sacraments of the Polish Episcopate regarding Holy Communion in the hand] of October 3, 2020. See <https://episkopat.pl/dokumenty-na-czas-epidemii-koronawirusa/> [accessed: 30.09.2022].

¹³ For example, see: Guidelines of the Diocesan Bishop of Włocławek: <https://wloclawek.orione.pl/zarządzenie-biskupa-wloclawskiego-w-zwiazku-z-wprowadzeniem-stanu-epidemii-w-polsce/> [accessed: 30.09.2022]; Guidelines of the Diocesan Bishop of Rzeszów: <https://diecezja.rzeszow.pl/wytyczne-bp-jana-watroby-w-zwiazku-ze-stanem-epidemii/> [accessed: 30.09.2022]; Guidelines of the Diocesan Bishop of Sandomierz: <https://diecezjasandomierska.pl/zasady-obowiazujace-w-zwiazku-z-nowa-fala-pandemii-koronawirusa/> [accessed: 30.09.2022].

¹⁴ Documents issued by the Polish Episcopal Conference during the coronavirus epidemic are available on the website: <https://episkopat.pl/dokumenty-na-czas-epidemii-koronawirusa/> [accessed: 30.09.2022]. Moreover, documents issued by the Holy See are also available on that website, i.e. Congregation for Divine Worship and the Discipline of the Sacraments, Decree featuring guidelines for the celebration of the Paschal Triduum in affected places (19.03.2020) amended as of 25 March 2020; Congregation for Divine Worship and the Discipline of the Sacraments, Note On Ash Wednesday Distribution of Ashes in Time of Pandemic (12.01.2021), Prot. N. 17/21; Decree of the Apostolic Penitentiary, The gift of Special Indulgences is granted to the faithful suffering from Covid-19 disease, commonly known as Coronavirus, as well as to health-care workers, family members and all those who in any capacity, including through prayer, care for them (20.03.2020). More about the message of Pope Francis in time of pandemic see Pérez-Martínez 2022.

and fair criterion for limiting the number of faithful in churches, as is the case with other entities. In addition, restrictions should not apply to people outside the sacred building, to whom general rules on maintaining a safe distance apply.¹⁵

Some diocesan bishops issued dispensations (cf. Canon 85 CIC¹⁶). For example, the Diocesan Bishop of Legnica stated: “Until further notice, I maintain the dispensation from the obligation to participate in the Sunday Holy Mass for all faithful of the Diocese of Legnica and other people who are staying in its area at that time.¹⁷” It should be pointed out, that in this context, H. Parish in her article entitled *The Absence of Presence and the Presence of Absence. Distancing, Sacraments, and the Virtual Religious Community during the COVID-19 Pandemic* wrote about “expansion of the virtual Church community” [Parish 2020].

The Chair of the Polish Episcopal Conference in a statement of May 27, 2020 on dispensation from participation in Sunday Masses encouraged bishops to revoke dispensations from participating in Sunday Masses. The Archbishop suggested that the dispensation may be maintained for the elderly, for people with symptoms of infection and for people who are afraid of being infected.¹⁸

It should be also noticed that the Chair of the Expert Team of the Polish Episcopal Conference for Bioethics in a statement of April 14, 2021 expressed express “serious moral objection” to AstraZeneca and J&J Covid vaccines.¹⁹ “The production of AstraZeneca and Johnson&Johnson vaccines

¹⁵ *Przewodniczący KEP apeluje o proporcjonalne kryterium ustalania liczby wiernych w kościele* [The Chair of the Polish Episcopate calls for a proportional criterion for determining the number of faithful in the Church], <https://episkopat.pl/przewodniczacy-kep-apeluje-o-proporcjonalne-kryterium-ustalania-liczby-wiernych-w-kościele/> [accessed: 30.09.2022]. In this context see the statement of Bishop Edward Kawa (auxiliary bishop of the Roman Catholic Archdiocese of Lviv) inquired: “Is the virus so pious that it goes to church but avoids supermarkets?” See <https://pch24.pl/bp-edward-kawa-pobozny-wirus-ktory-chodzi-do-kościoła-ale-omija-supermarkety/> [accessed: 30.09.2022].

¹⁶ “A dispensation, or the relaxation of a merely ecclesiastical law in a particular case, can be granted by those who possess executive power within the limits of their competence, as well as by those who have the power to dispense explicitly or implicitly either by the law itself or by legitimate delegation.”

¹⁷ Guidelines of the Diocesan Bishop of Legnica Zbigniew Kiernikowski of April 22, 2020 on ministry during pandemic circumstances, <https://www.legnica.fm/wiadomosci/wiadomosci-diecezja/32917-najnowsze-zarzadzenia-biskupa-na-czas-pandemii> [accessed: 29.09.2022].

¹⁸ Statement of the Chair of the Polish Episcopal Conference of May 27, 2020 on dispensation from participation in Sunday Masses <https://episkopat.pl/en/komunikat-przewodniczacego-konferencji-episkopatu-polski-ws-dyspens-od-udzialu-w-niedzielnym-mszach-swietych/> [accessed: 29.09.2022].

¹⁹ See: <https://episkopat.pl/en/stanowisko-przewodniczacego-zespolu-ekspertow-konferencji-episkopatu-polski-ds-bioetycznych-w-sprawie-korzystania-ze-szczepionek-przeciw-covid-19->

uses cell lines created from biological material collected from aborted foetuses.²⁰ However, the faithful who do not have the option of choosing a different vaccine and are obliged by existential or professional circumstances to use AstraZeneca and Johnson&Johnson, can do so without moral fault (obligation to protect the life and health of others).²¹

CONCLUSIONS

In conclusion, during pandemic circumstances the relevance and adequacy of the measures were assessed by a team of experts – both by competent state and Church authorities – whose competence cannot be challenged. This article addressed the selected guidelines issued by the Polish Episcopal Conference as well as the decrees issued by individual diocesan bishops.

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²⁰ Ibid.

²¹ Ibid.