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Confronting Religion from a Post-Political Perspective. Health Policies during the Covid-19 Pandemic in Romania

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Abstract

This paper presents one of the most difficult episodes from the post-Communist history of Church and State relations in Romania from a political science perspective by analysing the pandemic period and moreover how public authorities engaged with religious organizations. On the first side of the narratives, the state has neglected many of the international standards on freedom of religion or belief when it had restricted the religious life regarding religion as a liability, while, on the other side, the state has tried to convince the Church to push for the promotion of the vaccination campaign, regarding religion as an asset. I conclude that religion is still seen in Romania not in terms of social partnership, but in terms of “friend or enemy” as famously labelled by Carl Schmitt. Thus, religion is still under the politicization impetus and not empowered as a tool of further democratization.

Keywords

politicizations, Church and State relations, freedom of religion or belief, health policies, democracy.

I. Introduction and methodology

Recent studies on the impact of religiosity on the acceptance of innovative technologies and vaccines show that in countries with clear-cut pro-

vaccination statements were provided by religious leaders, the overall rate of vaccination was higher than in those countries where religious leaders did not clearly endorse COVID-19 vaccines¹.

Romania is one of the most religious countries in Europe, 86.45% of the people belonging to the “default Church of the nation”², the Romanian Orthodox Church³. Despite this, during the pandemic the government has seen religion as a threat or a liability, not as an asset.

Although restrictions were largely similar to other European countries⁴, in Romania there were some particularities among which: the enforcement of restrictions not through law, as requested by international democratic standards⁵ and the Romanian Constitution⁶, but through military ordinances⁷ – a judicial tool uncommon in democracies even in times of pandemic, the total lack of communication of state officials in regard with religious life and no public debate on the nature of restrictions.

Although, I will analyse and chronologically present these facts further on, this paper is not a theology or religious studies paper, but a policy analysis and political science research. My topic is not related to Church and State relations, but to State and Church relations, by trying to understand how the state approaches the Church, all religious organizations and the religious life in general in times of turmoil. Whether the state has a democratic approach towards the Church or is rather reluctant to observing and respecting the social role of religious organizations, as pointed out by the theory of democracy. Further on, my hypothesis is that in Romania there is still no clear-cut democratic approach of the State towards religion and that the so-called social partnership between the State and the Church is but an empty signifier.

¹ Ludovico Bullini ORLANDI, Valentina FEBO, Salvatore PERDICHIZZI, “The Role of Religiosity in Product and Technology Acceptance: Evidence from COVID-19 Vaccines”, in: *Technological Forecasting and Social Change*, 2022, DOI: 10.1016/j.techfore.2022.122032.

² Daniel BARBU, *Republica absentă: politică și societate în România postcomunistă* [The Missing Republic: politics and society in Post-Communist Romania]. Vol. 1. Nemira, București, 2004.

³ <https://www.recensamantromania.ro/rpl-2011/>

⁴ Ștefan DASCĂLU, “The Successes and Failures of the Initial COVID-19 Pandemic Response in Romania”, in: *Frontiers in Public Health* (Web) 8 (2020), p. 344.

⁵ <https://www.ohchr.org/en/issues/freedomreligion/pages/standards.aspx>

⁶ <http://www.cdep.ro/pls/dic/site.page?id=371>

⁷ http://www.cdep.ro/pls/legis/legis_pck.lista_anuala?an=2020&emi=5,133&tip=120&rep=0

I am also using the international standards on freedom of religion or belief as a point of reference for my topic and compare with the standards the decisions taken by public authorities in 2020 and 2021. From a strictly mainstream theological point of view, we must accept the fact that there is no theological discourse neither pro, nor against vaccination. This means that this paper is neutral towards the acceptance of vaccination from a religious or moral point of view.

II. The pandemic as a breaking point

From a political point of view, religious life in Romania tends to be very politicized⁸ in term of power structure and state financial support for religious organizations which lacks predictability. The politicization of freedom of religion refers directly also to the pandemic context as in Romania, or in other countries with similar or lesser democratic tradition, the limitations of freedom of religion⁹ were operated during 2020 with no compliance with the international standards. For example, during the pandemic the dialogue between state authorities and religious organizations was performed very late and only behind closed doors and with no participation of the different stakeholders: the press, experts on Human Rights, representatives of the opposition and so on. By comparison, the British strategy aimed at a very transparent public communication, consulting all actors¹⁰ and identifying a consensual solution precisely so that the lifting of restrictions simultaneously meets the health requirements, but also those of religious freedom¹¹.

While in 2020 the Orthodox Church was mainly approached by the government as a threat to public health, in 2021 it was considered as

⁸ On the meaning of the concept “politicizations” see Luc ROUBAN, “Politicization of the Civil Service”, in: *The SAGE handbook of public administration* / edited by B. Guy Peters and Jon Pierre, London; Thousand Oaks, Calif.: SAGE, 2012 pp. 380-391.

⁹ Paul T. BABIE, Neville G. ROCHOW, Brett G. SCHARFFS (eds.), *Freedom of Religion or Belief: Creating the Constitutional Space for Fundamental Freedoms*, Edward Elgar Publishing Limited, Cheltenham/Northampton, 2020, p. 50.

¹⁰ Flavio PETITO, “From Freedom of Religion or Belief (FoRB) advocacy to interreligious engagement in foreign policy”, in: *Global Affairs*, 2020, pp. 1–18.

¹¹ An analysis of restrictions on places of worship in the UK after Mark HILL, “Coronavirus and the Curtailment of Religious Liberty” in: *Laws*, 9(4) 2020, p. 27.

an asset to promote vaccination. This total change of view was not just confusing for the general public, but it also emphasizes the politicization of religious life in the sense that the government regards and uses the Church according to its political agenda, not according the international framework of freedom of religion designed in accordance with the main principles of political liberalism which includes the axiological neutrality of the state in regards with religious life¹², and at the same time the sacralization (not approximation) of civil rights and freedoms and the private space of human consciousness.

The pandemic has also divided civil society in terms of different and also opposite approaches towards vaccination. If we understand the religious neutrality of the state as a fundamental constitutional principle in all modern liberal and democratic constitutional establishments as stated by some influential scholars as Dominique Colas¹³, Jürgen Habermas¹⁴ or British theologian John Milbank¹⁵, then the government cannot deal with the Church/religious organizations in a different framework than others civil society free space of associations, free from the state and from the power of the market. All in one, civil society is made up of faith-based organizations, political parties, the media, NGOs, secularist groups and so on.

Considering this, the lack of compliance and uniformity in regards with decision about different sector of society, religious or secular, has also created divisions not only among the political parties, the media and different NGOs, but also within the Orthodox Church itself and the believers. Most of the Church leaders have tacitly endorsed the 2020 pandemic restrictions despite their lack of compliance with the international standards on freedom of religion or belief and despite the fact that Romania was one of the OSCE participating states that had taken the harshest measures to restricting freedom of religion or belief since the beginning of the pandemic. According to the OSCE and international media, in

¹² See, Carl SCHMITT, *Constitutional Theory*, Duke University Press, Durham and London, 2008.

¹³ Dominique COLAS, *Civil society and fanaticism: Conjoined histories*. Stanford University Press, 1997.

¹⁴ Jürgen HABERMAS, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, MIT Press, 1991.

¹⁵ John MILBANK, and Adrian PABST, *The politics of virtue: post-liberalism and the human future*, Rowman & Littlefield, 2016.

Romania during the state of emergency (March 16-May 15, 2020), the government has imposed “very high-level restrictions, effectively banning private prayers in public places of worship, as well as public religious gatherings”¹⁶. Up to this point, the Government of Romania never issued a statement regarding this document despite public pressure from civil society.

The OSCE has also reminded what are international standards on freedom of religion or belief to be considered when public health is in danger. According to international standards (UN, OSCE, EU, Office of International Religious Freedom within the US State Department, etc.), states cannot suspend religious freedom either in a state of war or in a state of emergency¹⁷. However, religious freedom in its external dimension may be restricted in order to restore public order and security or in pandemic situations as an exceptional measure and provided that the following conditions are met¹⁸: to be provided by law; to serve the purposes of the political body as a whole (protection of security, public order, health, etc.); to be non-discriminatory in language and applicability; to serve strictly the intended purpose and timeframe.

Other Church leaders like Teodosie, the archbishop of Tomis¹⁹ or Viorel Iuga, the president of the Baptist Church²⁰, have publicly denied the right of the state to arbitrarily intervene in faith internal matters²¹.

¹⁶ Organization for Security and Co-operation in Europe, “OSCE Human Dimension Commitments and State Responses to the COVID-19 Pandemic. This report is the culmination of ODIHR’s efforts to respond to human rights challenges caused by the COVID-19 pandemic throughout the OSCE”, available at <https://www.osce.org/odihr/human-rights-states-of-emergency-covid19>

¹⁷ Cătălin RAIU, Laura MINA-RAIU, “How to Cope with Counter-Performance in Public Administration. The Case of Freedom of Religion or Belief During the Pandemic”, in: *Transylvanian Review of Administrative Sciences*, Issue No. 66 E/June, 2022, pp. 81-98.

¹⁸ Heiner BIELEFELDT, “Limiting Permissible Limitations: How to Preserve the Substance of Religious Freedom”, in: *Religion & Human Rights*, 15(1-2), 2020, pp. 3-19.

¹⁹ <https://www.dw.com/en/pandemic-of-anti-vaxxers-and-covid-deniers-hits-romania/a-59565230>

²⁰ US Department of State, 2020 Report on International Religious Freedom: Romania, available at <https://ro.usembassy.gov/2020-report-on-international-religious-freedom-romania/>

²¹ Ștefan DASCALU, et al. “Engaging Religious Institutions and Faith-Based Communities in Public Health Initiatives: A Case Study of the Romanian Orthodox Church During the COVID-19 Pandemic”, in: *Front in Public Health* 9, 2021, 768091.

Enhanced by the media, these social divisions and tensions have escalated and different faith-based NGOs have sued the government and have organized mass protests not only against the specific religious restrictions, but also against the main pandemic restrictions as mask wearing and social distancing. Thus, at the moment there is a single court ruling²² on matters of freedom on religion during the pandemic stating that the government had overregulated the religious life in respect with other secular social activities and has also violated the international standards on freedom of religion or belief.

This social division has also created the perfect environment for a new political class, very Conservative in its ideology, to be born and in just a few months, to hold almost 10% of the parliamentary seats and turned rapidly into the main social and political force to discourage the vaccination campaign.

Apart from these minimal principles, the intrusion of the state into religious organizations life was seen as anti-democratic and had the potential to create long-term both dangerous precedents and gestures of hatred towards members of religious communities. On the other hand, and despite the tough restrictions on religious life, among other the total ban of cemeteries visits, guided by populism, the government has signed behind closed doors an agreement between the Romanian Orthodox Church and the Minister of Home Affairs, on April 15, 2020 by which the police force was due to assist the priests in the 2020 Easter religious service only for the Romanian Orthodox Church and not for the other 15 officially recognized Christian religious denominations, despite the fact that there was in force a total ban on all religious services for believers.

In Schmittian political terms²³, the Orthodox Church was seen as a threat/ enemy in terms of exercise of freedom of religion, but further on as a partner/ friend in terms of helping the government to gain public legitimacy through the police force assisting the priests for the Easter religious service and more than that in the vaccination campaign.

²² Cristi ȘELARU, “Curtea de Apel îi dă dreptate lui Cătălin Raiu [Court of Appeal rules in favor of Cătălin Raiu]”, available at <https://media.stiripesurse.ro/other/202012/media-160795768527911000.pdf> (accessed September 17, 2022)

²³ Charles E. FRYE, “Carl Schmitt’s Concept of the Political”, in: *The Journal of Politics*, no. 4, 1966.

Romania is also a unique case within the European countries²⁴, as the government has regulated proper liturgical gestures in total opposition with any democratic standards and thus making an intrusion in matters of proper liturgical life: effective and *ad litteram* banning of the single teaspoon at the Communion²⁵ with no consultation and no prior warning, and also has stated provisions according to which the faithful were not allowed to touch the casket with the holy relics of different saints and others.

III. Vaccination hesitancy in regards with religion

In an opposite approach towards religious organization than the we described above, in December 2020 when the first vaccine shot was not yet delivered in Romania, the Government has asked all religious denominations national representatives to uphold the promotion of the vaccinations among its believers, meaning more than 99, 8 % of the population²⁶. Thus, the same government that did not want to discuss the restriction on religious life, has started to meet with religious organizations in order to ask for their political legitimacy²⁷ to promote the vaccine assuming that religious organizations are like monolit bodies with military lidership that strictly obey the leader and not organic communities, with different cultural and civic attitudes towards vaccination²⁸.

²⁴ Cătălin RAIU, "Eastern Orthodoxy and the Pandemic. Cultural Approaches towards Rule of Law in Romania", in: Fabio BALSAMO and Daniela TARANTINO (eds), *Law, Religion and the Spread of Covid-19 Pandemic*, DiReSoM Papers 2, DiReSoM, Pisa, 2020, pp. 71-80.

²⁵ "It will be avoided to offer/receive communion in the conditions in which teaspoons and disposable glasses cannot be provided" in: *ORDER* no. 1,070/826/2020 on measures to prevent contamination with the new coronavirus SARS-CoV-2 and to ensure the development of activity in places of worship during the alert period. Issuer: State Secretariat for Religious Affairs no. 1,070 of May 15, 2020 and the Ministry of Health no. 826 of May 15, 2020, published in the *OFFICIAL GAZETTE* no. 401 of 15 May 2020.

²⁶ <https://vaccinare-covid.gov.ro/campania-de-vaccinare-impotriva-covid-19-subiectul-recentei-intalniri-dintre-reprezentantii-autoritatilor-publice-si-ai-cultelor-religioase/>

²⁷ Heiner BIELEFELDT, Nazila GHANEA and Michael WIENER, *Freedom of Religion or Belief. An International Law Commentary*, Oxford University Press, New York, 2016.

²⁸ Cătălin RAIU, Laura MINA-RAIU, "How to Cope with..."

From a strictly mainstream theological point of view, we must accept the fact that there is no theological discourse neither pro, nor against vaccination, or, at least, it is not the purpose of this paper to investigate this issue. Nevertheless, most of Christian Churches have developed along time a social doctrine which includes serious references towards human rights and freedom of religion, as well as bioethical statements regarding vaccination. Regarding the Romanian Orthodox Church, there is not a long tradition in dealing with public health issues or with the general framework of human rights due to the fact that Romania was under Communist rule for more than 45 years (1944-1989)²⁹. This means that when the public opinion was waiting for some guidelines from the Church in order to accept or restrain from vaccination, the only straightforward statement were provided by the head of the Church, Patriarch Daniel (“consult with the doctor”³⁰) and the spokesperson of the Church, Vasile Bănescu and only months after the public opinion has asked for them. Although, these statements were right from a theological point of view, they were disregarded by the mainstream media and high political officials and resumed under the motto: “the Church is not doing enough”³¹. In the meantime, Pope Francis, the head of the Catholic Church, had issued through the Congregation for the Doctrine of the Faith³² a statement on the *Morality of using some anti-Covid vaccines*, as early as December 17th of 2020, which served as a counter-example for the media to further pointing the fingers towards the (Orthodox) Church.

Despite the government push for the Church to promote vaccination, by October 2022 there is still a low rate of vaccination, a little above 40% at national level, as “a believer might perceive the restrictions or/and mandatory vaccination as a threat to their personal authenticity”³³.

²⁹ Ciprian NEGOIȚĂ, “Immunity. A Conceptual Analysis for France and Romania”, in: *Contributions to History of Concepts*, 2015, Vol. 10(1), New York and Oxford, pp. 89-109.

³⁰ <https://www.politico.eu/article/romania-coronavirus-vaccines-fourth-wave-orthodox-church/>

³¹ <https://www.dw.com/ro/cum-nu-sus%C8%9Bine-bor-vaccinarea/a-56233863>

³² https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20201221_nota-vaccini-anticovid_en.html

³³ Daniel NICA, “Authenticity and Enhancement: Going Beyond Self-Discovery/Self-Creation Dichotomy”, in: *Revue Roumaine de Philosophie* 64, no. 2, 2019.

The secularistic approach of the governments is based on the way religion is conceptualized rather as a policy-making tool, not as a polity facilitator. Religious organizations are described not as partners in building on the long run a more inclusive and democratic society, with specific common goals such as Human Rights, humanitarian actions, peace building or public health issues³⁴, but as a political pernicious forces.

In fact, when the dialogue was needed, it was absent and when the partnership³⁵ was needed, it was rather an attempt to borrow some political legitimacy from the Church. For example, as the research conducted by the Romanian Institute for Assessment and Strategy (IRES) in October 2021 shows that people of all faiths are 35 times more predisposed to follow the advice on vaccination from their parish priest/ imam/ rabbi/ pastor etc., than the recommendations of the heads of religious organizations³⁶. This means that the authorities must work on grassroots level with the priests that have the social trust of their communities, not to put public pressure on the head of religious organizations and to temporarily get their political legitimacy.

IV. Conclusion

In Romania, the public authorities have not used the social capital derived from the high degree of religiosity of the population, a force that was deeply neglected during the year 2020 before the arrival of the vaccine when religion was seen as a liability. What in Western Europe would have been used as an asset, but it was long gone, in Romania was seen as a liability and disregarded.

In Romania and, as well, in different Western countries, scholars acknowledge the importance of elements of partnership between religion and the government, in working together to address different human needs in times of great turmoil. Nevertheless, in Romania, in recent years we have

³⁴ Flavio PETITO, "From Freedom of Religion...

³⁵ On the limits of partnership and dialogue between the Romanian state and civil society see Laura MINA-RAIU, "Public-private partnership impact on local economic development. evidence from romanian counties", in: *Economic Sociology, Human Resource Management and Organizational Dynamics*, Editura ASE, pp. 211-229.

³⁶ https://www.scribd.com/document/544661498/IRES-VACCINARE-ANTI-COVID-19-COPII-5-18-ANI#from_embed

not witnessed social policies, known as faith-based initiatives, in order for the government to call for more involvement from religious organizations and more public support of these organizations, as a straightforward way to put into practice the social partnership³⁷, as described by the Constitution (art. No. 29).

Our recommendation is that for a successful long term partnership between public authorities and religious organization, we should not give space to extreme voices, neither pro, nor against vaccination from within religious organizations or the public sphere. Religion should be kept neutral about medicine. The state should be strictly committed to the international standards of freedom of religion or belief and, in times of great restraint, to use the religious social capital as an asset, not as a liability.

³⁷ Gaynor YANCEY DSW, Robin ROGERS PhD, Jon SINGLETARY PhD, Kelly ATKINSON MSW & M. Lori THOMAS Mdiv, "Public-Private Partnerships", in: *The Social Policy Journal*, 3:4, 2004, pp. 5-17.