

How essential is religion?

Meanings and perceptions of religion during the COVID-19 pandemic in Europe

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On May 6, 2020 the Commission of the Bishops' Conferences of the European Union expressed concern that the roadmap of plans to deal with the COVID-19 pandemic published by the European Union Commission lacked any explicit mention of religious services. Its general secretary commented: “The aggressive approach of certain secularist actors against the role of religion in the public square may have contributed to its marginalization in the context of the current crisis.”¹

Measures enforced by governments all around the world to fight the pandemic were not meant to target religious freedom, but religious activities have nonetheless been affected, like all other areas of life. This situation reveals larger issues related to the status of religion in contemporary societies and to religious freedom.

Apart from a few references to events in other parts of the world, in this paper I have restricted myself to the most easily comparable issues, and therefore focus primarily on Europe, considering the abundance of material that is available for such a study at a time when the crisis is still ongoing. Limitations of space restricted the extent of a wider focus in the present paper, but it will prove fruitful to go beyond Europe, since we have

¹ Commission of the Bishops' Conferences of the European Union, “Freedom of Religion at Stake in the Context of Fighting against Covid-19,” May 6, 2020, <http://www.comece.eu/freedom-of-religion-at-stake-in-the-context-of-fighting-against-covid-19>.

a unique opportunity to analyze the impact (in various fields) of a crisis that has simultaneously affected the entire world.²

As far as the pandemic's effect on religious activities were concerned, traumatic aspects became apparent during the early days of the crisis in the most affected areas, especially in terms of providing religious assistance to dying people and the consequences of the pandemic for funerals (which would be a topic in itself). Religious freedom became an issue of public debate when European governments started to plan the gradual lifting of containment measures in the spring. What would be the pace and extent of the resumption of public worship in comparison with the reopening of secular activities?

In late April 2020, as I attempted to provide an overview of the ways in which Christian churches in Western countries had dealt with the pandemic,³ I observed how religious groups in Europe had widely adjusted to secular restrictions designed to prevent the spread of the virus, at a time when uncertainty ruled most aspects of life. Nobody knew for sure how the lifting of restrictions would evolve and what it might involve.

In late February and early March some voices had claimed that cancelling public worship should be out of question, but in a very short time more or less everybody complied with government-imposed restrictions, in a way I would hardly have imagined a month earlier. In a matter of weeks health issues became paramount in the religious field, as in others.

² See for instance the following analysis across four different countries on three continents: Danielle N. Boaz, "Between 'Essential Services' and Culpable Homicide: State Responses to Religious Organizations and the Spread of the Novel Coronavirus in 2020," *Journal of Law, Religion and State* 8, issue 2–3 (December 2020): 129–51.

³ Jean-François Mayer, "Analyse: les Églises chrétiennes face au coronavirus—bilan intermédiaire et perspectives," *Relioscope* (April 26, 2020), <https://www.religion.info/2020/04/26/analyse-les-eglises-chretiennes-face-au-coronavirus-bilan-intermediaire-et-perspectives/>.

The fact that some religious gatherings in various countries had played a role as superspreaders of the virus had contributed to making religious leaders aware of the risks involved in such gatherings and of a possible subsequent negative impact on the image of a religious institution or denomination. It is not surprising, therefore, that in French-speaking countries, following the much-publicized case of the superspreader event unintentionally caused by a gathering of the Evangelical Church La Porte Ouverte in Mulhouse (eastern France), a number of evangelical congregations were quicker than mainline churches to cancel public worship.

When speaking with members of religious groups' administrative staff I tended to assume that they had the public image of their group in mind when they cancelled public gatherings of their believers, but what came first (quite understandably) in their own spontaneous reactions was the concern that they felt believers should cultivate for the preservation of human life. This should not be understood as mere rhetoric, but reflected a real concern that took priority over everything else. This also explains why many temporary sacrifices in terms of religious freedom were accepted at the time.

In many cases, despite the significant sacrifices this involved for believers during crucial periods of their respective religious calendars, religious groups seemed eager to act in an exemplary way and were very willing to make significant adjustments to their religious practices. For instance, as early as late February 2020 the Romanian Orthodox Church advised its faithful no longer to kiss icons. For a number of smaller religious groups the pandemic also presented an opportunity to show that they could be seen as trusted and responsible partners in efforts to overcome the virus. For example, it was impressive to see the care with which a number of

Muslim communities across Europe developed convincing plans to protect worshippers against infection.⁴

It was when some of the enforced restrictions were lifted that a number of believers started to ask if public religious life should be seen as less essential than other areas of human activities. The debate would become more heated more rapidly during the second wave of infections—but this has not been the case only for religious affairs. With the imposition of long-lasting or repeated restrictions, unease has been growing. In England, in November 2020, 122 church leaders from various traditions launched a legal challenge to the ban on communal worship, stating in no uncertain terms that worship had been “criminalised.”⁵

During the first wave of the virus mainline religious groups had been reluctant to confront state authorities regarding measures that had been enforced to contain the pandemic. In several countries specific subgroups rather than leading religious organizations had initiated legal action.⁶ Historical religious groups are mostly seeking cooperation rather than confrontation and want to remain trusted partners of the state in a time of crisis. The fact that a number of legal actions were initiated by individuals

⁴ Interestingly, in Germany on April 29, 2020 it was a convincing protection plan submitted by a mosque that managed to convince the federal court in Karlsruhe to pave the way for the resumption of public worship.

⁵ Harriet Sherwood, “Communal Worship ‘Criminalised’ under Lockdown, Church Leaders in England Say,” *The Guardian*, November 14, 2020, <https://www.theguardian.com/world/2020/nov/14/communal-worship-criminalised-under-lockdown-church-leaders-say>.

⁶ During the second wave, while these smaller groups remained active, established religious institutions felt that they should not leave the ground to them alone. For instance, in France on November 27, 2020 the Archbishop of Reims and president of the French Bishops Conference, Eric de Moulins-Beaufort, submitted a (successful) summary appeal on behalf of the Conference regarding the limit of 30 people allowed to attend religious services. A variety of other groups had also appealed the measure. The difference with smaller groups was that, besides submitting a summary appeal, the president of the French Bishops Conference was also able to obtain an appointment with the French prime minister.

or subgroups also indicates how such debates on religious freedom are not merely conducted between the state and religious groups, but how individuals also play an autonomous role. In an article to be published in the *Journal of Law, Religion and State*, Burkhard J. Berkmann (Ludwig-Maximilians-Universität, Munich) stresses the triangular relationship between church, state and individual believers, as evidenced by pandemic-related discussions.⁷

This does not mean that mainline churches remained passive, and strong words to defend religious freedom had already appeared during the first wave. In mid-April it was unusual to hear the president of the Swiss Bishops Conference say that “the government [had] forgotten the churches” when planning the lifting of measures to contain the pandemic. But the usual route taken by mainline religious bodies was that of negotiation and discussions, if possible, since such bodies have a history of establishing communication channels to state authorities. What mattered for established religious bodies was that a dialogue with the state would take place and that their role in society would thus be acknowledged (while there was a degree of irritation when they were ignored).

Such a dialogue may be official, but informal. When I asked an official of a Roman Catholic diocese if local authorities had consulted the bishop about measures to contain the second wave of infections, he answered that

⁷ Berkman rightly remarks that “This does not mean, however, that the individual believer can use the state legal system to force the church to change its teachings or legal norms, or in the case at hand, to offer worship services. ... The individual believer can demand only that the state remove the legal restrictions that prevent the church from holding public services. This alone, however, is of little use to individual believers if the church does not offer Sunday masses” (Burkhard J. Berkmann, “The Covid-19 Crisis and Religious Freedom: The Interaction between State and Church Norms in Germany, Especially in Bavaria,” *Journal of Law, Religion and State* 8, issue 2–3 (December 2020): 179–200).

there had been nothing official, but that informal exchanges had indeed taken place, since the bishop and the people in charge knew each other.

From the European spring of 2020 believers sometimes wondered how essential the collective practice of religion was considered to be, since the term “essential services” is primarily applied to secular, practical activities. Nevertheless, for any believer, religious beliefs and the practice of religion are essential. Faced with adverse circumstances (for example, being stranded on a desert island), believers would want to keep their faith alive despite their lack of access to fellow believers and public worship, but this is far from being seen as an ideal situation. Another pandemic-related issue was that people who were not necessarily believers themselves—for instance, health officials—were responsible for determining what should be seen as essential. Moreover, believers sometimes wondered if measures affecting religious practices were proportionate responses to the issue they were supposed to help resolve and in comparison with decisions affecting other areas of public life. Both political and theological views would influence perceptions of whether religious freedom was being infringed or not.

An assessment of how far collective religious practice is “essential” or not in comparison with other activities will necessarily differ from one person to another. Astutely, beside offering evidence that public worship can occur in secure environments, the faith community leaders who signed a collective letter to the British prime minister in early November 2020 expressing their concerns at restriction measures attempted to present public worship as essential not in itself, but in the way that it supports believers’ role in contributing to society’s well-being in terms of such vital matters as social action, social cohesion and mental health, all of which are

signs of much-needed hope.⁸ This would seem to be a productive approach to efforts to demonstrate the value of public worship in an increasingly secular environment.

But whatever other contributions religious bodies can make to society, the most crucial point is that the exercise of religion as a community is an essential component of religious freedom, which personal prayer cannot replace.⁹ Religious freedom and freedom of worship as a group are essentially related and are in a very real sense indivisible. In light of this fact, the only issue that can be discussed is how far freedom of collective worship can temporarily be limited, adjusted or even suspended for health-related purposes. The principle of the right to religious freedom itself should remain a fundamental freedom, and this is basically what both the Council of State in France on November 29, 2020 and the Supreme Court of the United States on November 25, 2020 have reaffirmed.¹⁰ At the same time the proportionality of restrictions on public worship and the way in which comparable secular facilities are treated should be taken into consideration. The fact that religious services can be shared online through a variety of channels has been a blessing in some ways for attempts to keep in touch (although disembodied online services raise other questions

⁸ The (undated) document can be downloaded from the website of the Church of England: <https://www.churchofengland.org/sites/default/files/2020-11/Faith%20communities%20letter%20to%20Prime%20Minister%203%20November.pdf>.

⁹ See Cyrille Dounot, “Pas d’urgence pour la liberté de culte,” Lexbase, *La lettre juridique* no. 845 (November 26, 2020), <https://www.lexbase.fr/revues-juridiques/61548948-le-point-sur-pas-d-urgence-pour-la-liberte-de-culte>.

¹⁰ As summarized in the header of the report in the *New York Times*: “The court signaled that if unconstrained religious observance and public safety are sometimes at odds, then religious freedom should win out” (Jesse McKinley and Liam Stack, “Cuomo Attacks Supreme Court, but Virus Ruling Is Warning to Governors,” *New York Times*, November 26, 2020, <https://www.nytimes.com/2020/11/26/nyregion/supreme-court-churches-religious-gatherings.html>).

beyond the topic of this paper), but they should not become a pretext for extending the closure of places of worship.¹¹

In effect, however, the issues raised here go beyond the mere exercise of public worship. Health considerations are having an impact on the way worship is conducted. The issue of the use of the communion spoon in Eastern Orthodox churches is a striking instance, with a variety of reactions within churches, and possibly a lasting impact on a century-old practice.¹²

In an article published by *La Croix International*, Loup Besmond de Senneville remarks that “what worries Rome is not so much the closure of churches for health reasons, but rather government interference in how worship services are organized.”¹³ There was an amazing example of this in Switzerland in spring 2020. When the Swiss federal health authorities published the rules (dated May 18) for allowing the resumption of public worship, they recommended that communion should not be given. The Protestant Church complied, but the Roman Catholic Church intervened behind the scenes (without much noise), and a revised version of the rules without any mention of communion was later published. Beside the topic of communion, the new rules were significantly shorter than the original

¹¹ Remote viewing of services is explicitly mentioned in the Supreme Court decision of November 25, 2020: “If only 10 people are admitted to each service, the great majority of those who wish to attend Mass on Sunday or services in a synagogue on Shabbat will be barred. And while those who are shut out may in some instances be able to watch services on television, such remote viewing is not the same as personal attendance. Catholics who watch a Mass at home cannot receive communion, and there are important religious traditions in the Orthodox Jewish faith that require personal attendance.”

¹² See Alexei Krindatch, “Holy Communion during the Pandemic in American Orthodox Parishes,” *Orthodox Reality*, August 2002, <https://orthodoxreality.org/wp-content/uploads/2020/08/HolyCommunionDuringPandemicFinalReport1.pdf>.

¹³ Loup Besmond de Senneville, “Vatican Urges Balanced Approach to Anti-COVID Restrictions,” *La Croix International*, December 1, 2020, <https://international.la-croix.com/news/religion/vatican-urges-balanced-approach-to-anti-covid-restrictions/13423>.

version. This could constitute a good guideline for any state agency that has to deal with issues pertaining to religious freedom: the best approach is to offer a general orientation without going into details that might infringe on what is essential to members of a particular religious group, even if an outsider might not be aware of such details.

Religious freedom needs to be put into context—and not only a legal context, but a cultural and political one as well. Otherwise, how would one explain that the same measure enforced in two neighbouring countries would lead to strikingly different reactions? In several Swiss cantons attendance at worship was limited to 30 people in November 2020, whatever the size of the building. The faithful registered in advance (online or by phone) or were admitted without pre-registration if the list was not yet full, and were politely sent away if no place was available. Not a few people thought that the rule was too rigid, since it applied whatever the size of the place of worship, but it was respected by all denominations.

In neighbouring France the same measure was adopted (before it was overturned a few days later by the State Council). A number of Catholics (although not all of them) protested, stating that such a rule could not be enforced, or even openly broke it by allowing significantly more participants into a particular place of worship. While the rule was the same, therefore, it was not received in the same way in both countries.

Beside the challenges of finding a balance between religious freedom and health issues, resistance against pandemic-related measures by religious groups or religious figures—for instance, in countries such as France or the United States¹⁴—also represented the continuation of the “culture

¹⁴ A good US example (Grace Community Church in Los Angeles) is described in the last part of an article by Barry W. Bussey, “Contagion: Government Fear of Religion during the Covid-19 Crisis,” *Revista General de Derecho Canónico y Derecho Eclesiástico del Estado* 54, October 2020.

wars” between secular and religious positions. The pandemic does not erase pre-existing tensions, and may indeed bring them to the fore.

In an article on relations between states and religious bodies around the world during the COVID-19 crisis, Andreas Jacobs has remarked that the pandemic offered an opportunity to test these relations, with various outcomes. In Pakistan, for instance, it had allowed religious activist groups to affirm their power, while in Greece the state had mostly been able to assert its authority over the dominant Orthodox Church.¹⁵ This did not prevent the Greek Orthodox Church from reasserting itself by opening churches for the celebration of the Feast of Theophany on January 6 despite the government ban. It faced mild reactions. “We showed disobedience,” said Metropolitan Athenagoras, the spokesperson of the Holy Synod, “and the government showed tolerance.”¹⁶

Thus the discussion on religious freedom needs to be considered from wider perspectives. On a variety of issues there is a concern that the current crisis could lead to a lasting erosion of some freedoms; this applies to religion too. In a speech in the House of Commons on November 4, 2020 the former British prime minister, Theresa May, was critical of the suspension of public worship, stating: “My concern is that the Government today making it illegal to conduct an act of public worship, for the best of intentions, sets a precedent that could be misused for a government of the future for the worst of intentions.”¹⁷

¹⁵ Andreas Jacobs, “Corona-Test für Religionspolitik: Das Verhältnis von Staaten und Religionsgemeinschaften zu Beginn der COVID-19 Pandemie,” in *Corona und Religionen: Religiöse Praxis in Zeiten der Pandemie*, ed. Jeannine Kunert (Berlin: Evangelische Zentralstelle für Weltanschauungsfragen, 2020), 35–49.

¹⁶ Kaki Bali, “Orthodox Church Undermines Greece's COVID Pandemic Measures,” *DW*, January, 16, 2021, <https://www.dw.com/en/orthodox-church-undermines-greeces-covid-pandemic-measures/a-56251674>.

¹⁷ Ed Thornton, “Theresa May Speaks out against Ban on Public Worship,” *Church Times*, November 5, 2020, <https://www.churchtimes.co.uk/articles/2020/6->

We are not yet at the stage of “worst intentions.” But the COVID-19 crisis is one those turning points when the boundaries of the relationship between states and religious groups, on the one hand, and the real-world expression of religious freedom, on the other hand, can have very practical implications for all concerned.

[november/news/uk/theresa-may-among-parliamentarians-to-speak-out-against-ban-on-public-worship.](#)