Foreword

Even in regular times, religion, law, and state coexist in tense and complex relations. Crises exacerbate the tensions and conflicts, as we saw recently, during the global COVID-19 pandemic. Various religious groups that usually comply with state law disregarded safety rules to conduct religious rituals, endangering adherents and others. Religions and states found themselves in multiple, continuous conflictual situations.

The conflict reflects internal tensions and dilemmas, within each of these three protagonists. Religions deliberate whether the pandemic is a divine decree to be accepted or a disease to be avoided. States strive to balance the duty to ensure their citizens' health and safety with the duty to protect the freedom of worship, the freedom of movement, and other freedoms. Legal and civil authorities waver between forceful enforcement of health restrictions and protecting the full constitutional rights of individuals, communities, and groups to demonstrate and worship.

This special issue of the Journal of Law, Religion and State focuses on these tensions and conflicts. The articles discuss and analyze a variety of coping strategies in various countries and by various religious groups, during the first wave of the pandemic, in the first half of 2020.

The first part contains six articles offering theoretical analyses, accompanied by discussions of policies and practices. The second part contains three case studies, focusing on a close factual description of the management of the crisis.

Part 1 Articles

Danielle N. Boaz analyzes the clash between the need for communal religious rituals and the social distancing prohibitions. The article compares the way four states (South Korea, India, Brazil, and the USA) coped with the challenge. The author discusses the paradox reflected in the debates regarding transferring the responsibility for preventing or containing the pandemic onto the religious communities.

The second article presents an intra-religious Jewish dilemma in 16th century Europe (Ashkenaz). The authors, Moshe Dovid Chechik and Tamara

Morsel-Eisenberg, describe the way in which rabbis have coped with an apparent contradiction between an explicit religious norm and common communal practice. Although the Babylonian Talmud orders isolation at home as the way to protect oneself from an epidemic, the practice was to flee from the afflicted city. The article presents various solutions to this contradiction, placing them in the grey area between Jewish law, customs, and practice.

Berkmann's article discusses the interactions between church and state in Germany, especially in Bavaria. The article analyzes the religious regulation of public rituals by the church, considering the extent to which they are influenced by state regulations and how much they reflect autonomous internal regulations. The article also discusses whether the relevant state laws infringe on the freedom of religion.

Ciarán Burke examines the tension between Korean state laws restricting religious communal worship and religious freedom, focusing on the Shincheonji Church of Jesus (SCJ). The author discusses the extent to which the restrictions of movement and ritual serve the purpose of public health, as well as their proportionality.

Nedim Begović proposes a different point of view on the tension between religion and state. Discussing various religious communities in Bosnia-Herzegovina, he examines the way these communities perceive the state-imposed restrictions and respond to them. Reactions vary from strict religious instructions to follow the restrictions to entirely ignoring them.

The reactions of religious communities to state prohibition of communal prayers are also reviewed by Imran Ahmed. In Pakistan, religious leaders opposed closing places of worship and restrictions on religious gatherings. The article examines the reasons for this strong and sweeping opposition, pointing primarily to a general lack of trust, in the context of an ongoing conflict between the religious leadership and the political authorities in Pakistan.

Part 2 Case Studies

As noted above, the second part presents three case studies, reflecting different practices chosen by religious communities in relation to state actions regarding COVID-19.

The first case study comes from Indonesia. Amos Sukanto and S. Panca Parulian present different reactions by various religious communities (Muslims, Protestant and Catholic Christians, and Pentecostal churches) to the restriction of religious rituals by the Indonesian government.

In Vietnam, the state and religious organizations cooperated in restricting communal religious activities. Nguyen Thi Phuong describes how the government used legal measures to balance between the religious and public health needs of the population.

Finally, Fransiska Widyawati and Yohanes S. Lon discuss one religious ceremony during the first wave of the pandemic, in March 2020. About 4,000 people participated in the Catholic Mass celebrating the installation of a new bishop in Ruteng, Indonesia, eliciting public outrage and critique.

This issue is one of the earliest attempts to present an examination of church-state relations during the COVID-19 pandemic. Such pioneering endeavors offer first impressions of the important topics raised, which reflect new and instructive, even if somewhat premature insights. We hope that the discussions in this issue will serve as a point of departure for further thorough examinations of the dilemmas and solutions raised here.

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