

Smart Quarantine vs Strict Lockdown

Restrictions on Political Rights in Anti-Pandemic Strategies in the Czech Republic

Maciej Skrzypek

Adam Mickiewicz University, Poznań

Introduction

This chapter aims to trace the evolution of the state authorities' attitude to restrict fundamental political rights in the Czech Republic during the coronavirus pandemic from 11 March 2020 to the end of March 2021. At that time, the Czech authorities changed the anti-pandemic strategy, which impacted certain rights and freedoms. During "a second wave", the ruling elites decided to replace *smart quarantine* with a strict lockdown through an extra-constitutional state of emergency since February 2021. These changes aimed to extend the government's scope of power and allowed ignoring parliamentary opposition. The shift in strategy led to an intensification of the implementation of quasi-militant democracy instruments, which decreased the political nation's independence. Therefore, the author will address the motivations and results of anti-pandemic policy changes that impact the discussed sovereignty. That reflection is crucial for debate on implementing anti-democratic measures as part of the policy to deal with the subsequent widespread epidemics and other crises. In this chapter, the author refers to interdisciplinary studies on the effectiveness of pandemic strategies in the country, which, together with analysing the restriction of political rights, will provide answers to the legitimacy of changing the proposed action in the second half of 2020. The periodisation of the first year of the coronavirus crisis is presented in the diagram below.

This work differentiates between *smart quarantine* (March–September 2020) and strict lockdown (October 2020–March 2021). The first is based on the close cooperation of state authorities with epidemiologists and experts, thus adopting new technologies to deal with the coronavirus crisis. It was valid during the first state of emergency (March–May 2020). With that approach, modern states adopted digital innovations beyond restrictions on certain rights and freedoms, confirming that public officials trusted and recognised experts. In turn, strict lockdown is based on implementing a state of emergency, with a broad catalogue of restrictions on certain rights and freedoms. It was viable during the second state of emergency (October 2020–mid-February 2021) and an unconstitutional state of emergency (mid-February–March 2021). The governance style is characterised by concentrating power around the Prime Minister's cabinet and ignoring experts' opinions. Based on that, the main reason for reducing the political nation's sovereignty was replacing *smart quarantine* with a more autocratic approach.

Literature review and theoretical grounding

This chapter is located in a part of renewed studies on militant democracy, resulting from the renaissance of holistic political theories, like institutionalism, and the growing threat from religiously motivated terrorism, especially Islamic fundamentalism. Karl Loewenstein conducted the first in-depth study on militant democracy. In 1937, in the face of the fascist threat to the Weimar Republic and other European democracies, Loewenstein suggested using legal instruments to protect democratic regimes (Loewenstein, 1937). Nowadays, a catalogue of militant democracy measures is expanded by scholarship, focusing primarily on the essential features of the imposition of anti-

democratic means. The authors present single-case studies (Bogaards, 2020; Osiewicz & Skrzypek, 2020; Rak, 2020a; Rak, 2020b; Tyulkina, 2015) or propose comparative analyses (Bourne & Casal Bértoa, 2017; Skrzypek, 2020; Skrzypek, 2022; Steuer, 2019). It is worth quoting the approaches presented by Joanna Rak and Roman Bäcker (also present in this book). They assumed that the essential features of militant democracy rested on the self-defence ability of democracy to prevent it from being destroyed by anti-democratic forces (Bäcker & Rak, 2019).

Moreover, they proposed the antinomic ideal types of neo-militant and quasi-militant democracies. This distinction allows researchers to define the consequences of precisely adopting militant democracy measures. According to Rak and Bäcker, the essential features of neo-militant democracy are based on the self-defence ability of democracy from being destroyed by anti-democratic forces (Rak & Bäcker, 2022, pp. 3–7). In turn, quasi-militant democracy covers attempts to expand the ruling elite's scope and power competencies while reducing a nation's political sovereignty (Bäcker, 2020). This approach differentiates between the real intentions of democracy enemies and defenders of democracy; the author used this to determine which measures may be classified as quasi-militant democracy. Max Steuer's conclusions about militant democracy in the Czech Republic confirmed the applicability of this distinction in exploring modern political structures. He pointed out that anti-minority rhetoric and the normalisation of some forms of hate speech in the public discourse were crucial factors of the ANO party's success (Steuer, 2019, p. 201), an example of quasi-militant democracy. However, the author will analytically expand on the problem of using anti-democratic measures, which reduced the political nation's sovereignty. To sum up, quasi-militant democracy means reducing the political nation's independence. In turn, neo-militant democracy instruments do not diminish that sovereignty. In both analysed anti-pandemic approaches, only quasi-militant democracy means materialised. However, from September 2020 to May 2021, these instruments became a core of dealing with the pandemic in the Czech Republic.

The current academic works and NGO reports pointed out that the main factors threatening democratic institutions included widespread corruption and nepotism in the state administration, media dependence on businesspersons and politicians, increased anti-immigrant sentiment, lack of representation of the Roma minority at the level of central authorities, and the growing popularity of populist rhetoric (Kopeček, 2015; Kopeček, 2016; Kopeček, 2018). A similar opinion was expressed by Czech political scientists that considered ineffective technocratic governance, corruption, clientelism, and economic stagnation as conducive to de-democratisation (Dvořáková, 2012; Fiala, 2010; Kubát, 2013; Klima, 2015; Pehe, 2010; Švihlíková, 2015). Seán Hanley and Milada Anna Vachudova called changes within the Czech political structure an illiberal turn (Hanley & Vachudova, 2018). Their studies drew on the empirical analysis of the government's decision. In contrast, the author will analyse this phenomenon in the context of militant democracy and expand the time framework after the coronavirus crisis outbreak. Moreover, last month's scholarships published several articles about the consequences of the political and social structure of authorities' response to the COVID-19 pandemic in Europe (Buštíková & Baboš, 2020; Guasti, 2020a; Guasti, 2020b). The illiberal turn as a challenge for liberal democracy in the pandemic era was noted by Petra Guasti, who pointed out that it was an opportunity for the populists in the government to consolidate power. The coronavirus crisis gave populist leaders the ability to bypass checks and balances. Emergency measures strengthen the executive power, weaken parliamentary oversight, and suspend certain rights and liberties (Guasti, 2020a).

The first months of the pandemic in Czechia were discussed in detail, but this chapter refers to some articles where authors focus on the efficiency of the anti-pandemic policy. Several commentators, including in the international media, have called Czechs' experiences proof of "success". However, some Czech scholars formulated critical remarks on the anti-pandemic strategy. David Špaček argued "that at the beginning of the pandemic, the country was not sufficiently prepared for COVID-19 on planning, organisational or financial levels" (Špaček, 2020, p. 267). Despite that critical conclusion, he pointed out that "Czech politicians and public administration on all levels and also the

society learnt clear and important lessons in a month, a relatively short time frame” and recommended continuing the *smart quarantine* approach (Špaček, 2020, p. 268). Therefore, he pointed out that the timing of public policy responses is a critical factor in dealing with the pandemic, which other scholars confirmed (Chubarova et al., 2020, p. 69). The fast and comprehensive anti-pandemic measures realised by the Czech and Slovak governments and the citizens’ compliance with these measures were the recipe for success in Spring 2020.

However, before early Autumn, both countries functioned in relaxed regimes, introduced in early Summer when COVID-19 almost disappeared. In October 2020, the Czech Republic was one of the leading countries worldwide in the relative spread of COVID-19 infections (Nemec et al., 2020, p. 13). Other remarks concerned local governments. Their leaders’ responses to the pandemic crisis depended on decentralisation, financial condition, administrative capacity, regulatory framework, and path dependency. Michal Plaček, David Špaček, and František Ochrana pointed out two different strategies. Firstly, municipal activism increases citizens’ confidence in local governments and creates optimistic expectations among its citizens, thanks to stabilising the local economy and maintaining social cohesion. In turn, municipal passivism seeks primarily to continue fiscal discipline to maintain essential functions in the longer term. However, it led to lower confidence in the public sector. Their main conclusion is that lack of effective coordination between the central government and municipal actions, the complicated and bureaucratic administrative setting did not allow local authorities to make decisions to devise the optimal reaction strategy in a short response time (Plaček et al., 2020, p. 115). Luděk Berec’s research team offered a complex view of the pandemic’s beginning. They remarked that a local lockdown might reduce the number of cases more effectively than a state-wide one if the number of confirmed cases is not exceedingly high. However, personal protective measures, like face masks and increased hygiene, are more effective than reducing contact (Berec et al., 2020).

In sum, international experts formulated positive remarks about dealing with the pandemic during the Spring of 2020, while domestic researchers presented some critical and more detailed observations. The latter’s calls to improve local authorities and continue *smart quarantine* to avoid strict national lockdowns were ignored. In this chapter, the author proves that the ruling elites ignored most of these opinions by changing anti-pandemic policy, significantly impacting the political nation’s sovereignty.

Materials and methods

In this chapter, the circumstances of these decisions and their consequences for the functioning of the Czech democracy will be presented. Qualitative analysis of sources (legal acts, media content, and NGO reports) was used to examine official documents, politicians’ statements, and legislation acts. Another method is process tracing to explore the phenomenon of dealing with pandemics and changes in anti-pandemic policy. The author’s scientific approach included three steps: operationalising of the research tool, collection and selection of sources, data analysis, and formulating conclusions. Firstly, based on the literature review, he referred to the theory of militant democracy and papers about the efficiency of anti-pandemic policy to prepare theses about the role of quasi-militant democracy means in dealing with the pandemic. Next, the author collected a national database of laws about limiting the nation’s political sovereignty and media content about the coronavirus crisis in the Czech Republic. Finally, conclusions about the role of quasi-militant democracy measures in different pandemic strategies were formulated. In the research process, the author hypothesised that protecting fundamental political rights is conditioned by adopting a specific pandemic strategy. Different anti-pandemic approaches depend, among others, on the scale of cooperation between public officers and experts, the ruling elites’ style of governance, and the level of the political nation’s sovereignty. The case of Czechia provides evidence of a qualitative change in this regard due to the abandonment of *smart quarantine* in favour of a hard lockdown.

David Špaček classified anti-pandemic measures, forced in Spring 2020, into the following groups: (1) restrictions on citizens' rights, (2) restrictions on services (public and private), (3) restrictions on private services, (4) public administration obligations, and (5) economic measures (Špaček, 2020, p. 262). However, the author decided to refer to Joanna Rak and Roman Bäcker's proposition for analysing a political nation's sovereignty at the following pools: (1) the freedom of a political nation to make sovereign decisions, (2) the range of alternatives for selecting decision scenarios by a political nation, (3) the level of rationality of a political nation's deliberation before making decisions, and (4) institutions guaranteeing the sustainability of this sovereignty, generating situational compulsion precluding a political nation from straying off the path of sovereignty and democracy (Rak & Bäcker, 2022). Their proposition is more valid in analysing the level of protection of certain rights and freedoms. Based on them, the author examines which anti-pandemic measures influence the mentioned pools to verify which strategy reduced the political nation's sovereignty more. In his research, the author refers to data shared by Our World in Data and its COVID-19 Stringency Index. Those from the first year of the pandemic in Czechia allow him to divide this duration into two sub-periods, with a turning point in September 2020, when the state authorities re-adopted strict anti-pandemic policy. The main difference between these two sub-periods is a dominant approach to deal with the coronavirus crisis. After the success, in experts' opinions, of the first wave of the pandemic, thanks to mixing strict measures with technological achievements, in the Autumn of 2020, there was a change in the direction. It resulted from the Prime Minister's decisions in the Summer, which are discussed further in this chapter. However, these data did not include changes in political structure, like adopting an unconstitutional state of emergency, so the author decided to fulfil them by qualitative analysis of sources. Referring to other sources, like media content about the governing style and official reports about implemented measures, it is necessary to prove these changes.

Spring 2020 and smart quarantine

At the beginning of March 2020, in the face of a new pandemic challenge, Czechia adopted strict preventive measures after about a hundred cases of the infection were registered in the country. The Czech anti-pandemic policy complied with international practice in this regard, and on 12 March 2020, 11 days after the first three cases were confirmed, the country's parliament declared a state of emergency (Usnesení č. 194/2020 Sb). Before introducing it, all cultural and sports events of up to 100 people were cancelled; direct flights to China and South Korea were suspended. The next step was closing all types of schools. According to the Constitution (Constitutional Act No. 110/1998 Coll.), the Czech Republic's government is responsible for declaring a state of emergency by its resolution. On 1 April, the government asked the Chamber to extend the state of emergency by another 30 days. This was approved on 7 April, but only until 30 April. In May, the opposition did not accept prolonging the state of emergency. They argued that over-extending it was economically unsustainable, and they could not submit bills due to the procedure for voting on the plenary session agenda. Despite being legally enforced, a state of emergency should be classified as a quasi-militant democracy measure. The government decided to reduce political sovereignty to protect public health and order. The possibility of resisting these measures and undermining the legitimacy of a state of emergency was minimal, and the circumstances of spreading coronavirus suggested adopting fast responses. The possibility of resisting measures adopted during the state of emergency was minimal.

Moreover, the circumstances of the spreading coronavirus suggested giving a fast response, which legitimised governance by resolutions. One of the first decisions was to postpone supplementary polls to the Senate (Usnesení Vlády České Republiky ze dne 15. března 2020 č. 218). Finally, this election was held on 2–3 and 9–10 (second rounds) in October 2020 alongside the regional polls. The state authorities stopped holding elections in the sanitary regime to postpone them. This decision abused the core of the political nation's sovereignty, that is the right to vote and the right to be voted, and interfered with the constitutional procedure of election.

Stricter measures for certain rights and freedoms were applied since 16 March 2020, when the state authorities prohibited the free movement of people, except for travelling to work and necessary journeys to family or hospital, banned entry to the territory of the Czech Republic, and leaving the territory for Czechia citizens (Resolution of the Government of The Czech Republic no. 203 of 13 March 2020, no. 203). The right to hold public gatherings was banned, too. There is no doubt that these measures, as a response to the COVID-19 pandemic, reduced the level of the political nation's sovereignty to minimise social contact. Despite reasons for adopting rules to guarantee social distance, political contentions cannot be efficient without public manifestation of freedoms, which is a kind of direct participation in the public sphere, among others, to undermine government policy. At the same time, the Czech public administration developed tools to minimalise the consequences of the coronavirus crisis, primarily through close cooperation with the IT sector to detect new coronavirus cases. *Smart quarantine* fixes limits on certain rights and freedoms and closes collaboration with experts to implement digital innovation in public administration. One of the initiatives was covid19cz.cz, an official website to inform about detected infection outbreaks. Those efforts sought to prevent the lockdown's unwanted effects and deal quickly with the pandemic (Kouřil & Ferenčuhová, 2020). It was an opportunity to reduce the risk of the rapid growth of new infections without limiting certain rights and freedoms domestically.

Returning to changes within pools of the nation's political sovereignty, the character of the parliament's work will be discussed. In that place, it is worth pointing out that the opposition criticised the government for not acting earlier. At the end of January 2020, the former demanded a debate on the government's coronavirus measures, but the Chamber did not allow it. In March, the parliament had to reorganise its activities and reduce sessions, and as was mentioned before, Babiš's cabinet started governing by resolution. These decisions were essential to avoid legislative bodies and an opposition majority in the Senate by ruling elites in the decision-making process. It should be classified as a quasi-militant democracy means due to the reduced impact on democratic decisions by members of parliament, that is the representatives of the political nation. In the face of attempts to concentrate power by the government, the opposition unified and forced the government not to re-authorise the state of emergency in May 2020, when the number of new confirmed cases decreased. Earlier, a group of senators announced the intention to bring the travel ban to constitutional review, which resulted in the government abandoning these restrictions.

Moreover, members of the Senate started preparing a complaint to the Constitutional Court but ultimately stopped it. These examples show that the opposition's actions in emergency conditions put adequate pressure on Babiš's cabinet to limit the political nation's sovereignty violations. Crucial for maintaining a proper level of the political nation's sovereignty in a democratic society during the pandemic is the possibility of undermining forced restrictions. In April 2020, the Prague municipal court recognised four emergency measures, including limiting freedom of movement, travel ban, and compulsory closure of large shops, which are illegal. However, the Prime Minister did not recognise that judgement. This decision challenged the pandemic-driven measures of quasi-militant democracy. It confirmed that the independence of the judiciary during the "first wave" was not endangered by political pressures.

Limiting the nation's political sovereignty during the first wave of coronavirus in Czechia had consequences for freedom of the press. Dire conditions for independent media in Czechia resulted from the buying of leading entities by Babiš's company in 2013. The Prime Minister used partisan media in political competition by putting pressure on journalists and media workers. Some independent journalists quit their jobs and started to run new outlets. In the Spring of 2020, the state authorities blocked access to public information about hospital issues for some journalists (Guasti, 2020b, p. 54), which limited freedom of the press and access to information. At the same time, disinformation campaigns on social media were getting stronger and more frequent. As a result, a large part of the Czech society believed that the pandemic was a lie, vaccination was just a way to control people or kill them, and death toll statistics were fictional or at least to a large extent

manipulated. In Spring 2020, 17% of Czechs thought COVID-19 was not worse than the flu; 46% of the population did not consider it a threat (the Czech Republic is losing..., 2020). However, the government ran no counter-disinformation except a single communication campaign debunking disinformation or promoting vaccination. It did not aim to address false messages (the Czech Republic is losing..., 2020). This scale of misinformation about coronavirus decreased the rationality of a political nation's deliberation before making decisions because corona sceptics and anti-vaccination movement significantly impacted public opinion, which the data above confirmed. To sum up, restrictions against the nation's political sovereignty, adopted during the first way of the pandemic, may be classified into the pools as given in Table 6.1.

Table 6.1 Limited pools of the political nation's sovereignty by anti-pandemic measures during Spring 2020. Source: Own studies.

Anti-pandemic measures forced (Spring 2020)	Limited pools of the political nation's sovereignty
State of emergency	The freedom of a political nation to make sovereign decisions; the range of alternatives for selecting decision scenarios by a political nation; institutions guaranteeing the sustainability of this sovereignty
Postponed supplementary elections to the Senate	The freedom of a political nation to make sovereign decisions; institutions guaranteeing the sustainability of this sovereignty
Changes in the schedule of parliamentary work	The range of alternatives for selecting decision scenarios by a political nation; institutions guaranteeing the sustainability of this sovereignty
Blocking access to public information	The freedom of a political nation to make sovereign decisions; the level of rationality of a political nation's deliberation before making decisions
Prohibiting the free movement of people	The freedom of a political nation to make sovereign decisions

Autumn 2020–winter 2021

After a few months of pandemic situation stabilisation, in September 2020, the number of cases highly increased. In the face of the incoming “second wave”, the government adopted restrictions again, including declaring a state of emergency on 5 October and restoring most of the measures well-known from “the Spring wave”. Moreover, mass vaccination in Czechia started at the end of December 2020. In dealing with the second, more dramatic phase of the coronavirus crisis, the government focused chiefly on prolonging the extraordinary state. At first glance, there may be invisible changes compared with Spring 2020, considering the COVID-19 Stringency Index. However, in the middle of the Summer of 2020, Andrej Babiš decided to introduce significant changes in anti-pandemic governance. At the Strategic Forum in Slovenia in August 2020, he said “My profession is businessman, crisis manager (...) we have results, best in COVID” (Bled Strategic Forum, 2020). The high self-esteem of governing a state's response to the COVID-19 pandemic fits Babiš's guiding principle and technocratic political thoughts to run the state as a business. However, the death rate and number of cases at the beginning of 2021 showed that Babiš carried the matter too far.¹ The essential feature of the changes in dealing with the pandemic was quitting close cooperation with epidemiologists and the IT sector to concentrate power into the Prime Minister's hands.

The end of September 2020 was a turning point in dealing with the coronavirus crisis. In the face of rapidly growing new cases, the Prime Minister fired Adam Vojtech, the Health Minister. That decision started a period of instability in anti-pandemic policy. During the first year of the pandemic,

Czechia had four Head of Health Ministry officers, which led to chaotic governance and a lack of stable and long-term solutions (Janicek, 2021). The decision to remove Vojtech was a symbol of the shifting Czech anti-pandemic policy into a more authoritarian style, where the decision centre is located around the Prime Minister, who did not want to develop digital innovations and hearing epidemiologists in order to concentrate power, according to technocratic style promoted by him. It was the first time collective actions transformed into civil disorder, leading to clashing with police officers (Skrzypek, 2023, p. 31).

The main instrument of dealing with the second wave was prolonging the state of emergency and re-adopting most restrictions from Spring 2020. However, these practices in the constitutional framework stopped in February 2021 when the Senate refused a request to extend it on 18 February 2021. In justification, deputies referred to the fact that the pandemic was not improving and the economic consequences of the lockdown might have ravaged domestic entrepreneurs. In response, the Czech government applied a new law, which allowed the Minister of Health to impose lockdown measures and restrict freedom of movement without a state of emergency (Vlada, 2021). They claimed this law would effectively address the dramatic pandemic situation (Czech MPs refuse, 2021; Czech Republic COVID restrictions, 2021). The government replaced the constitutional state of emergency with “a new-unconstitutional state of emergency”. In fact, the Minister of Health achieved the extraordinary power competencies to implement restrictions without parliament’s agreement. In practice, it reduced the opposition’s opportunities to discuss and challenge strict measures. Expansion of power competencies by the government and the violations of liberal democracy rules (a tripartite division of power, legislation initiative for deputies, possibilities to refuse act drafts by parliament) took place. That decision was the apogee of using quasi-militant democracy means during the pandemic, emphasising attempts to replace the rule of law with prerogative state rules. Since 1 March 2021, it has been forbidden to leave a place of residence without a good reason, such as travel to work or see a doctor (Resolution of the Government of The Czech Republic of 26 February 2021, no. 216). This form of state of emergency was prolonged until 11 May 2021. To sum up, in the second analysed period, anti-pandemic measures may be classified in Table 6.2.

Table 6.2 Anti-pandemic measures in the second analysed period. Source: Own studies

Anti-pandemic measures forced (Autumn 2020–Winter 2021)	Limited pool of the political nation’s sovereignty
State of emergency/unconstitutional state of emergency	The freedom of a political nation to make sovereign decisions; the range of alternatives for selecting decision scenarios by a political nation; institutions guaranteeing the sustainability of this sovereignty
Changes in the schedule of parliamentary work	The range of alternatives for selecting decision scenarios by a political nation; institutions guaranteeing the sustainability of this sovereignty
Prohibiting the free movement of people (i.e. banning public gatherings)	The freedom of a political nation to make sovereign decisions

Conclusions

Summing up, the Czech response to the coronavirus crisis transformed from *smart quarantine* into strict lockdown. Despite adopting more rigorous measures, the pandemic had worsened since September 2020. That change allowed the ruling elites to attempt autocratisation of the political structure by reducing the nation’s political sovereignty. Moreover, despite the similar character of restrictions, their implementation had different scopes and consequences. The policy of limitations,

which started in September 2020, depended on the Prime Minister’s willingness. He literally ignored the statements of the nation’s political representatives.

In contrast, during the “first wave”, anti-pandemic measures had parliament legitimisation and were fixed by digital tools. Moreover, in Spring 2020, the timing of policy reactions was swift, while “the second wave” was characterised by long-term stringency, which the pandemic situation may explain. Another difference between the analysed periods is social mood and attitude towards official policy. In the Spring of 2020, public opinion supported the adopted approach when restrictions and other measures worked adequately. In turn, during the “second wave”, a dramatic situation and one of the worst results in Europe led to untrust in anti-pandemic policy and the government’s decisions. At the beginning of 2021, mistrust of Babiš’s policy forced the Prime Minister to apologise for those conditions and promise to rescue public health. However, that statement did not change anything in public governance. He continued ruling the state as a company, a typical approach for technocratic populists. Analysed transformation failed, showing experts’ analysis as limited and chaotic (Nemec & Maly, et al., 2021, p. 288). Finally, the mentioned experts and parliamentary majority were ignored by the ruling elites who sought to expand their power. These attempts at autocratisation, in the name of dealing with the pandemic, can be summarized in Table 6.3.

Table 6.3 Limited pools of the nation’s political sovereignty by anti-pandemic measures during the first year of the coronavirus crisis. Source: Own studies.

Pools of the political nation’s sovereignty	Spring 2020 (<i>smart quarantine</i>)	Autumn 2020/Winter 2021 (Strict lockdown)
The freedom of a political nation to make sovereign decisions	State of emergency; banning public gatherings	State of emergency/ unconstitutional state of emergency; banning public gatherings
The range of alternatives for selecting decision scenarios by a political nation	Postponing supplementary elections to the Senate; changes in the schedule of parliamentary work	Changes in the schedule of parliamentary work
The level of rationality of a political nation’s deliberation before making decisions	Lack of complex campaign to combat misinformation and fake news about coronavirus	
Institutions guaranteeing the sustainability of this sovereignty,	State of emergency	State of emergency/ unconstitutional state of emergency;

Czechia’s experience delivered evidence that changes in anti-pandemic policy affected the scope of protecting certain rights and freedoms and public trust in the adopted strategy. Moving from one grand design to another led to a decrease in the political nation’s sovereignty, even if the latter was not more efficient. It means that in the face of the worsening pandemic situation and the introduction of subsequent limitations of fundamental rights and freedoms, the change of strategy led to transforming collective actions into civil disorder. The latter was crucial for destroying the stability of the political regime. Therefore, changes in anti-pandemic policy might affect public opinion support for that style of government. In Czechia’s case, growing dissatisfaction led to more frequent calls to withdraw the government during mass demonstrations. Lost public support may be the potential cost of changing anti-pandemic policy towards more authoritarian, even if the pandemic worsens.

Funding of financial support

This work was supported by the National Science Centre, Poland [grant number 2021/43/B/HS5/00290].

Notes

1 By March 2021, the Czech Republic recorded the second-highest confirmed death rate in the world, after San Marino. The dramatic situation in the country impacted social mood.

Bibliography

- Bäcker, R. (2020). Kategoria narodu politycznego. In J. Wojnicki, J. Miecznikowska, & Łukasz Zamecki (Eds.), *Polska i Europa w perspektywie politologicznej. Księga jubileuszowa dedykowana profesorowi Konstantemu Adamowi Wojtaszczykowi z okazji 45-lecia pracy akademickiej* (pp. 35–46). Oficyna Wydawnicza ASPRA-JR.
- Bäcker, R., & Rak, J. (2019). Trajektoria trwania opancerzonych demokracji. *Studia nad Autorytaryzmem i Totalitaryzmem*, 41(3), 63–82. <http://dx.doi.org/10.19195/2300-7249.41.3.5>
- Berec, L., Smycka, J., Levinsky, R., Hromádková, E., Soltes, M., Slerka, J., & Vidnerová, P. (2020). The COVID-19 epidemic in the Czech Republic: Retrospective analysis of measures (not) implemented during the spring first wave.
- Bled Strategic Forum. (2020). *BSF 2020—Opening and leader's panel: Europe after Brexit and Covid-19*. <https://livestream.com/zivo/bsf2020/videos/210474867>
- Bogaards, M. (2020). Militant consociational democracy: The political exclusion of the extreme right in Belgium. In *Compromises in democracy* (pp. 175–200). Palgrave Macmillan.
- Bourne, A. K., & Casal Bértoa, F. (2017). Mapping militant Democracy': Variation in party ban practices in European democracies (1945–2015). *EuConst*, 13, 221.
- Bušítková, L., & Baboš, P. (2020). Best in covid: Populists in the time of pandemic. *Politics and Governance*, 8(4), 496–508. <https://doi.org/10.17645/pag.v8i4.3424>
- Chubarova, T., Maly, I., & Nemeč, J. (2020). Public policy responses to the spread of COVID-19 as a potential factor determining health results, a comparative study of the Czech Republic, the Russian federation, and the Slovak Republic. *Central European Journal of Public Policy*, 14(2), 60–70. <https://doi.org/10.2478/cejpp-2020-0008>
- Constitutional Act No. 110/1998 Coll. <https://www.zakonyprolidi.cz/cs/1998-110>
- Czech Republic COVID Restrictions: PM Babiš defies MPs to Extend State of Emergency. (2021). <https://www.euronews.com/2021/02/15/czech-republic-covid-restrictions-pm-Babiš-defies-mps-to-extend-state-of-emergency>
- Czech Republic is Losing the Information War, Experts Warn. (2020). <https://www.euractiv.com/section/digital/news/czech-republic-is-losing-the-information-war-experts-warn>
- Fiala, P. (2010). *Politika, jaká nemá být*. Brno.

- Guasti, P. (2020a). Populism in power and democracy: Democratic decay and resilience in the Czech Republic (2013–2020). *Politics and Governance*, 8(4), 473–484.
- Guasti, P. (2020b). The impact of the covid-19 pandemic in Central and Eastern Europe: The rise of autocracy and democratic resilience. *Democratic Theory*, 7(2), 47–60. <https://doi.org/10.3167/dt.2020.070207>
- Hanley, S., & Vachudova, M. (2018). Understanding the illiberal turn: Democratic backsliding in the Czech Republic. *East European Politics*, 34(3), 276–296. <https://doi.org/10.1080/21599165.2018.1493457>
- Janicek, K. (2021). *4th Czech health minister resigns since start of pandemic*. <https://apnews.com/article/europe-pandemics-coronavirus-pandemic-health-government-and-politics-ac1a2f335b6676abb6bbe2ac0c530fc0>
- Klima, M. (2015). *Od totality k defektní demokracii: Privatizace a kolonizace politických stran netransparentním byznysem*. Praga.
- Kopeček, L. (2015). *Czech Republic*. <https://freedomhouse.org/country/czech-republic/nations-transit/2015>
- Kopeček, L. (2016). *Czech Republic*. <https://freedomhouse.org/country/czech-republic/nations-transit/2016>
- Kopeček, L. (2018). *Czech Republic*. <https://freedomhouse.org/country/czech-republic/nations-transit/2018>
- Kouřil, P., & Ferenčuhová, S. (2020). Smart quarantine and blanket quarantine, the Czech response to the COVID-19 pandemic. *Eurasian Geography and Economics*, 61(4–5), 587–597. <https://doi.org/10.1080/15387216.2020.1783338>
- Kubát, M. (2013). *Současná česká politika: Co s neefektivním režimem?* Praga.
- Nemec, J., Drechsler, W., & Hajnal, G. (2020). Public policy during COVID-19, challenges for public administration and policy research in Central and Eastern Europe. *The NISPAcee Journal of Public Administration and Policy*, XIII(2), 11–20. <https://doi.org/10.2478/nispa-2020-0011>
- Osiewicz, P., & Skrzypek, M. (2020). Is Spain becoming a militant democracy? Empirical evidence from freedom house reports. *Aportes. Revista de Historia Contemporánea*, 35(103), 7–33.
- Pehe, J. (2010). *Demokracie bez demokratů: Úvahy o společnosti a polityce*. Praga.
- Plaček, M., Špaček, D., & Ochrana, F. (2020). Public leadership and strategies of Czech municipalities during the COVID-19 pandemic—municipal activism vs municipal passivism. *International Journal of Public Leadership*, 17(1), 108–117.
- Rak, J. (2020a). Conceptualising the theoretical category of neo-militant democracy: The case of Hungary. *Polish Political Science Yearbook*, 49(2), 61–70. <https://doi.org/10.15804/pps2020204>
- Rak, J. (2020b). Quasi-militant democracy as a new form of sacred in Poland during the corona crisis. *Journal for the Study of Religions and Ideologies*, 19(57), 111–128.

Rak, J., & Bäcker, R. (2022). *Neo-militant democracies in post-communist member states of the European union*. Routledge.

Resolution of the Government of The Czech Republic no. 203 of 13 March 2020, no. 203.
<https://www.mvcr.cz/mvcren/file/resolution-of-governemnt-of-the-czech-republic-of-march-13th-2020-no-203-on-the-adoption-of-a-crisis-measure-594585.aspx>

Resolution of the Government of The Czech Republic of 26 February 2021, no. 216 on the adoption of crisis measures. <https://www.mvcr.cz/mvcren/article/coronavirus-information-of-moi.aspx>

Skrzypek, M. (2020). The banning of extremist political parties as a measures of neo-militant democracy: The experience of post-communist States. *HAPSc Policy Briefs Series, 1(2)*, 67–73.

Skrzypek, M. (2022). Between neo-militant and quasi-militant democracy: Restrictions on freedoms of speech and the press in Austria, Finland, and Sweden 2008–2019. *European Politics and Society*. <https://doi.org/10.1080/23745118.2022.2063229>

Skrzypek, M. (2023). From collective action to civil disorder: A comparative analysis of pandemic-ridden Czechia and Slovakia. *Studia Securitas, 2*, 26–37.

Špaček, D. (2020). COVID-19 – National government approach in the Czech Republic. In P. Joyce, F. Maron, & P. S. Reddy (Eds.), *Good public governance in a global pandemic*. The International Institute of Administrative Sciences.

Steuer, M. (2019). Militant democracy on the rise: Consequences of legal restrictions on extreme speech in the Czech Republic, Slovakia and Hungary. *Review of Central and East European Law, 44(2)*, 162–201.

Švihlíková, I. (2015). *Jak jsme se stali kolonií*. Praga.

Tyulkina, S. (2015). Militant democracy: An alien concept for Australian constitutional law. *Adelaide Law Review, 36*, 517-539.

Usnesení č. 194/2020 Sb. <https://www.zakonyprolidi.cz/cs/2020-194>

Usnesení č. 96/2021 Sb. <https://www.zakonyprolidi.cz/cs/2021-96>

Usnesení vlády České republiky ze dne 15. března 2020 č. 218.
<https://www.zakonyprolidi.cz/cs/2020-88>

Vlada. (2021). The government declares state of emergency until 28 March, free movement and retail rules to be tightened from Monday, schools to close again. <https://www.vlada.cz/en/media-centrum/aktualne/the-government-declares-state-of-emergency-until-28-march-free-movement-and-retail-rules-to-be-tightened-from-monday-schools-to-close-again-187038/>
