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RESEARCH ARTICLE



Government justification of police actions against protesters: biopolitics in Poland during the Covid-19 pandemic

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ABSTRACT

How did the government justify aggressive, and, at times, violent police actions against demonstrators during the pandemic? We use a biopolitical framework to empirically explore how leading members of Poland's government justified protest policing. During the Covid-19 pandemic, Poland's PiS-led government, like others across Europe, implemented social distancing measures that curtailed the right to peaceful assembly. The government justified aggressive crowd control tactics such as kettling to 'protect' society from what they perceived as illegal and unruly protestors who seek to cause indirect mass harm, e.g. spread the virus via street protesting, or cause direct harm to police officers through physical acts of protester aggression. The government argued that protesters, instead of being whom the state must keep safe from biological harm, actually threaten a vulnerable police force and other institutions. The government projected their own vulnerability to cast protesters as biological threats to the nation and, thus, as dangerously norm-breaking 'others,' in order to justify surveillance of demonstrators and aggressive police tactics.

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The state uses its power to manage and control the health of its citizenry, i.e. biopolitics (Dillon, 2007; Foucault, 2008/1979; Agamben, 2021; Lemm & Vatter, 2017; Patkauskas, 2022). Part of government control relies on the state's monopoly of the means of violence and legal surveillance via the police, and on establishing and controlling norms (Rose, 2001). We argue that government justifications of police actions during the Covid-19 pandemic may yield insights into the biopolitics framework. During the pandemic, governments across Europe applied unprecedented health and safety directives to control the citizenry for their stated purpose of saving lives, e.g. stay-at-home orders, and bans on large public events (Wagner et al., 2022; Meloni & Vatter, 2023). Poland's pandemic policy, for example, was enforced by the police and the judicial system, and was intended to restrict street protest; the government claimed that protests could spread the virus (Rak, 2021; Rak & Owczarek, 2022).

Whereas a biopolitical framework can help us to understand government arguments and policy, there are few empirical studies of how biopolitics applies to the policing of

street protest. Scholars have long explored policing, surveillance, and norm control (Johnson, 2014), and the relationship between the police and the protesters (Earl & Soule, 2006). Some find that governments frame protest violence as a criminal threat to justify police aggression as a legitimate response to it (Bonner & Dammert, 2022). Since Covid-19, some explored the role of the police in pandemic policy enforcement (Alcadipani et al., 2020; Boon-Kuo et al., 2021; Martin, 2022a; Ojedokun, 2021; Laufs & Waseem, 2020). Yet, few have empirically explored biopolitical management for protest and policing during the pandemic (Thusi, 2020). Whereas biopolitics obviously precedes the pandemic, we argue that this special situation puts the relationship between government arguments on policing, protest, and biopolitical control of citizen health in sharp relief. A biopolitics framework, especially in a public health emergency, is congruent with previous literature on how governments justify aggressive policing, and offers new insights in the pandemic context.

Inspired by the biopolitical framework, we seek to understand government justifications of police actions on public protests during the Covid-19 pandemic. We ask: *How did the government justify aggressive, and, at times, violent actions against demonstrators during the pandemic?*

Poland during the early stages of the pandemic is a useful case study to examine how governments justify police action towards protesters. During this period, Poland enacted measures to limit public gatherings that were similar to those around Europe (Toffolutti et al., 2022), and thus there may be similarities between Poland and other European countries. Moreover, government justifications for police violence against protesters is a hallmark of democratically-challenged regimes, and thus an examination of this phenomena in democratically backsliding countries of Europe is, for this region of the world, urgent. In Poland during the PiS (Law and Justice party) government, democracy backslid (Bakke & Sitter, 2020; Rojszczak, 2021); in response, there had been many protests over democracy and the rule of law (Radiukiewicz, 2021). Even prior to Covid, the PiS government had interfered in civil society through preferential support to social movement organizations who were ideologically aligned with them (Bill, 2022). Poland thus offers a critical example of how democratically-backsliding governments use biopolitics to control norms in a European context.

Our main contribution is to provide empirical evidence of biopolitics at work in how governments justify the policing of street protest. We examine government justifications because it is a large window through which to view the mechanics of biopolitics – indeed, it is governments, via various public health policies and with the help of the police, who exert strong institutional control over the well-being of the citizenry.

Theory

Biopolitics, a term with a long and critical history (Sinnerbrink, 2006; Patkauskas, 2022), is about how authorities manage life, e.g. reproduction, mortality, and longevity, and the health of populations. This includes public health campaigns and controls over reproductive rights. The state, at times, sacrifices the health and well-being of select groups and thus favors some populations over others (Constantinou, 2022; Foucault, 2008/1979); as such, the association of the positive power over life with the negative power of death lies at the heart of the biopolitical project (Prozorov,

2013). Indeed, biological processes become the object of political strategies (Agamben, 2021; Rose, 2001).

To regulate health, authorities use methods that range from durable and strategic state-craft to minute administrative tactics (Dillon, 2007). As the state builds regulatory controls over the human body and life processes, they govern and regulate populations. Control can be subtle, such as norm construction and surveillance, or it can be overt, such as the violent regulation of street protest.

With its ability to capture media attention, government public statements can set limits on societal thought and communication (Baumgarten & Ullrich, 2016). Within these confines, public statements frame and shape our understanding of previous government actions, e.g. police actions on protests. These statements legitimize biopolitics and are a means of enacting it.

Norms, surveillance, and othering

In biopolitical governance, bodies are regulated through norms and laws (Foucault, 2005; Horvath & Lovasz, 2020), and the state stigmatizes groups that deviate from either norms or laws. Those who choose to defy norms and laws expose themselves to the risk of state violence (Lemm & Vatter, 2017; Johnson, 2014) at the hands of law enforcement, and public condemnation by government authorities.

As the government justifies its actions, they create symbolic boundaries through which certain groups are stigmatized as ‘other,’ and perhaps immoral or dangerous (Ristić & Marinković, 2022). The biopolitics of otherness during a pandemic includes processes by which certain groups are marginalized, blamed, and stigmatized. The government ‘others’ populations to divide them into more easily manageable groups; this discursive practice exacerbates social inequalities and marginalizes already vulnerable populations. The biopolitics of otherness during the pandemic is a manifestation of power dynamics in which certain groups are defined as the Other in order to manage social fears and public health crises (Ristić & Marinković, 2022). Outlining such boundaries is used to justify government actions taken against the outlier groups. Indeed, empirical evidence suggests that the police as an institution practiced ‘othering’ in policing high-profile protests in Warsaw, Poland during the pandemic (Rak & Owczarek, 2022).

Power and governance are diffused across various institutions and practices, such as education, medical establishments, and welfare systems, and, of course, the police (Johnson, 2014). Policing, therefore, serves as the physical enforcer of the intricate network of disciplinary policies. The police as an institution transformed from a regulatory body concerned with the welfare of citizens to a more punitive force designed to protect the government, often at the expense of marginalized populations (Johnson, 2014). Public health was shifted into a domain of policing, justifying government surveillance and movement restrictions to prevent contamination (Savage, 2007).

Within biopolitics, norm regulation relies, in part, on surveillance (Ceyhan, 2012; Foucault, 1975). Beyond the metaphor of the ‘panopticon,’ governments aim to observe, normalize, and control behavior. Institutions, such as the police, scrutinize individuals and determine, at the street level, what is normal and what is not. In this process, people fear surveillance and learn to self-regulate; they will modify their conduct under the

watchful eye of actual and potential state observation, embodied by the police as its enforcement arm.

The intertwining of norms, surveillance, and othering can take on heightened significance as nations across the world implemented extraordinary measures to manage populations and the spread of Covid-19. The enforcement of social distancing, mask mandates, and lockdowns can be seen as the state's attempt to normalize certain behaviors deemed essential for collective well-being. Individuals' movements and interactions became highly regulated, with the police playing a crucial role in monitoring compliance (Boon-Kuo et al., 2021).

Surveillance and control during the pandemic also reflect a shift in the mechanisms of power. The police, as an instrument of government, enforces compliance and thus helps the state to define the norms of behavior in a public health crisis. Such measures delineate the boundaries of normalcy and deviance, as those who cannot or choose not to comply with these health norms are marked as immoral or dangerous. Thus, the pandemic has likely amplified the role of the police as agents of the biopolitical order, with surveillance as a key tool.

Quandaries in policing and protesting during Covid-19

Policing is a physically and mentally demanding job, leading to higher rates of mental health problems among officers compared to the general public, including workplace environment, exposure to traumatic events, and inconsistent shifts playing significant roles (Stogner et al., 2020). These challenges can result in officers suffering from mental health issues (Stogner et al., 2020; Laufs & Waseem, 2020). The disruptions caused by the Covid-19 pandemic exacerbate these stresses for law enforcement, as they have to adapt to new protocols and face heightened risks while ensuring public safety and compliance with lockdown regulations, even as they grapple with the same fears and challenges affecting the general population (Laufs & Waseem, 2020; Kyprianides et al., 2022; Maskály et al., 2021). They had to modify regular practices to align with the realities of the virus, often limiting interpersonal contact, which could conflict with their duty to serve. The uncertainties generated by the pandemic likely heightened the police's risk perception and possibly restricted their ability to employ positive coping mechanisms (Stogner et al., 2020).

The Covid-19 pandemic also puts protesters in a quandary. To continue to exercise their constitutional right to peaceful public assembly, protesters must navigate new regulations about how many people can be in an open-air space at one time, when they must stay-at-home or shelter-in-place, and whether they must wear a mask outside. In addition to economic lockdowns on businesses, they face the sudden closure of public venues and spaces in which to visibly, physically protest (Kowalewski, 2021; Bertuzzi et al., 2022). But for some, it is exactly these restrictions that incite them to street protest. The pandemic included political conflicts, and increased social inequalities, and thus grievances that lead to demonstrations (Kriesi & Oana, 2023). Protesting, for the protesters, can be a release valve for grievances. In Poland, some evidence suggests that pro-choice protests, driven by feelings of solidarity and agency, mitigated the negative impacts of the pandemic and political tensions on mental health (Wnuk et al., 2023).

Vulnerability

The pandemic also exposed the state's limitations in managing public health, economic stability, and social order, and thus highlighted its vulnerability (Lorenzini, 2024). The pandemic strained healthcare systems, uncovering gaps in preparedness and the state's inability to fully manage a public health crisis. The need for rapid policy changes and emergency measures underscored the state's reliance on biopolitical controls, such as public health surveillance, quarantine, and health mandates, to regulate the population.

Whereas vulnerability is a core part of the concept of biopolitics (McRobbie, 2006), it is usually understood in terms of the people subject to the state's control. Usually, the people are vulnerable, but not the government. The state normally portrays itself as a robust and omnipotent entity, capable of managing crises with decisive and effective action. Generally, governments emphasize its ability to protect its citizens, maintain order, and ensure economic stability through well-established biopolitical mechanisms. In doing so, governments issues public statements that are tantamount to biopolitical rationalizations. This image is crucial for maintaining public confidence, deterring external threats, and legitimizing its authority. The state rarely appeals for sympathy.

In this pandemic moment, we argue that the state may, temporarily, portray itself as vulnerable during the pandemic to garner public support, justify emergency measures, and rally collective action. By acknowledging its limitations, the state may appeal to the populace's sense of solidarity and shared responsibility, encouraging adherence to biopolitical directives.

Biopolitics, protest, and the police

The dynamics of biopolitics come into sharp relief in the landscape of policing and protesting during the Covid-19 pandemic. Challenges to the inherent roles of law enforcement officers have been amplified by the pandemic's uncertainties and shifts in public health regulations. The enforcement of social distancing measures made their duty a tightrope walk between public safety and their fear of catching the virus. The web of newly minted regulations about the universal right to assemble instigated the very need to protest, and thus brought protesters face-to-face with the police. Heavy-handed police actions during the pandemic can breach health protocols (Martin, 2022b). During the pandemic, as protests have been criminalized, police tactics, such as mass arrests, tear gas or 'kettling' put protestors and the police in close proximity, drawing fears from authorities that protesting spreads the virus (Rak, 2021).

The police, acting as the enforcement arm of the state's biopolitics, are at the nexus of enforcing government health regulations and managing the rights of citizens to assemble and protest. The state's interests in preserving public health can often intersect with its desire to maintain social order. As a result, they argue that police actions during protests fall under the umbrella of public health and safety. These biopolitical considerations can lead to situations where the normal act of protest is criminalized due to the health risks associated with large gatherings.

Police actions in Poland during the pandemic raises important questions about the motives behind certain police actions. Narratively, these motives were explained with biopolitical rationalizations, i.e. in the interest of public health. But their other purpose

was to exert control and diminish dissent. By navigating this intersection of biopolitics and protest, we can gain a deeper understanding of the complexities inherent in government justifications of police responses to public assemblies during public health emergencies.

Data and methods

Our data are Polish government's statements on police actions against street protesters during the Covid-19 pandemic. Specifically, we examined all video and text made by government ministers, government plenipotentiaries, deputy ministers, and undersecretaries of state during Parliamentary debates and press conferences from March 2020, when the first restrictions on assemblies were introduced, to June 2021, when almost all restrictions were lifted. We selected statements that specifically refer to the police interventions during protests.

As a result, we included six speeches by the representative of the government from the tribune in the Sejm (the lower house of Poland's parliament): the Minister of the Interior and Administration Mariusz Kamiński, the Prime Minister Mateusz Morawiecki, and the Secretary of State Maciej Wąsik; two debates during the meeting of the Standing Committee on Administration and Internal Affairs of the Sejm joined by the Minister Kamiński, the Secretary of State Maciej Wąsik and the Chief of the Police, Inspector General Jarosław Szymczyk; a written response of the Secretary of State Maciej Wąsik to interpellation on the events during the Entrepreneurs' Strike in Warsaw on 16 May 2020; Minister Kamiński's written announcement commenting on the Independence March in Warsaw on 11 November 2020, and his press conference on 22 May 2020. We include a final list of materials analyzed in the Appendix.

We analyzed the statements as the government's communication related to the protests and their ban. To analyze the governmental speeches, we conducted a thematic analysis (Terry et al., 2017), identifying key themes that structured the arguments presented. We used ATLAS.ti, a software program supporting the analysis of qualitative data, to organize excerpts from the statements using open coding.

We note some of the inherent limitations of the data that we collected. Public statements by government officials often reflect official policy positions and may be carefully crafted to project a particular image or narrative; thus, the full breadth of possible opinions by the police or the government may not be represented. Moreover, government officials' statements are likely intended to influence public opinion or respond to political pressure. As such, these data likely do not completely reflect the government as a whole, or even the breadth of ideology of the person speaking them. We further note that, while ours is not a comparative work, and thus has limited generalizability, a case study of this kind has clear benefits (Feagin et al., 2016). We examine the statements of high-profile Polish government officials to derive detailed observations and theoretical insights about biopolitics in a natural setting, i.e. in a real-world public health emergency.

Setting: Poland, protests, and the pandemic

From 20 March 2020, to 12 May 2022, Poland proclaimed a 'State of the Pandemic' under legal provisions extensively amended by the 'Shield 1.0' Act, laying the legislative

foundation to curtail citizens' rights during the Covid-19 pandemic. Specific articles of the Act authorized the issue of decrees with various restrictions. These encompassed measures like temporary movement constraints, prohibition of public gatherings, quarantine mandates, and face-covering orders. Such arrangements allowed for regional variability in restrictions, depending on the pandemic's local severity. Additionally, substantial fines imposed for non-adherence to public health regulations during protests, significantly higher than usual penalties, have been criticized for potentially deterring public assembly and limiting citizens' right to protest. Despite these bans, many protests took place in Poland during the pandemic. Available data shows a moderate number of protests compared to other European countries – Poland is not at either extreme (Kriesi & Oana, 2023).

Poland was one of the many countries in Europe that introduced restrictions on demonstrations during the pandemic. Many governments perceived limitations as a necessary preventive measure, especially in the period before the widespread availability of the coronavirus vaccine, and such social distancing policies were recommended by the World Health Organization. In Poland, the number of participants allowed was limited, and the permit to hold a demonstration was mandatory (i.e. the ban on spontaneous assemblies); they also introduced safety measures, e.g. wearing a mask and maintaining social distancing (Rak, 2021). Thus the Polish government, through decree, declared that street protest was legal but limited: Protests of more than five people was, to them, illegal. Yet, street protests of dozens to hundreds to thousands occurred within the presence of the police.

Themes of government justifications for police actions against protesters

The first two themes we examine deal with vulnerability, defined as the being possibly exposed to attack or other physical harm.

Vulnerability: risks and sacrifices of the police

As a form of biopolitical control, the state asserts its power to regulate the population's health by enforcing certain behaviors, such as compliance with public health measures. Government representatives stress that Covid-19 protests highlight law enforcement's vital role in protecting the public. During the pandemic, Polish police focused on actions to protect citizens, emphasizing an apolitical duty to preserve health and lives: 'For this reason alone [i.e. to protect public health], the police must take enforcement action. It does so not for political reasons' (Kamiński, 2020). Official communications asserted that these interventions stood beyond political disputes, with the Polish Prime Minister emphasizing politicians' role in undoubted support for the police, aiming for a 'golden mean' to ensure health protection for society: 'In this difficult, dramatic situation, Minister Kamiński tried to find a golden mean to protect the health and life of Poles' (Morawiecki, 2020). The claim that it is not for political reasons was an effort to maintain the legitimacy of the state's power by framing it within the acceptable discourse of public health rather than political repression. The government considers itself as a benefactor of democracy. As such, it proclaims itself as protector, seeking to find a balance (the 'golden mean') between the enforcement of health measures and the preservation of life.

This situation – duty in a time of fear – coincided with aggression that sometimes occurs during protests. According to the government, the masses pose a physical threat in two physical ways. One is by hitting the police, and the other is by spreading the virus. We see how the government frames the problem of the virus as a threat to police while the police respond to crime. The Chief of the Police, Inspector General Jarosław Szymczyk, spoke to the Sejm representatives at the Standing Committee on Administration and Internal Affairs of the harm that police confront with regard to the violence.

Despite 12000 infected police officers, despite 25000 police officers going on quarantine, despite the fact that we still have approx. 7000 vacant posts even though nobody has resigned from their duties, since crimes are still committed, [despite all that] we still make approx. 15 interventions each day, there are still accidents happening on Polish roads and we are still saving people's lives, often by putting our own life and health in danger, we still eliminate potential killers and we still bust out very dangerous organized crime groups, we still arrest drug dealers and we withdraw tons of drugs from the market. (Szymczyk, 2020)

That the government highlighted the risks and sacrifices made by the police force during the pandemic can be interpreted as a biopolitical justification; namely, that the police are the embodiment of state power and it has the right to control the health of citizens it deems outside the bounds of the law. Despite personal risk and the potential for health compromise, the police continued to enforce laws and maintain order. The mention of continued interventions, crime prevention, and life-saving actions, even in the face of the pandemic, underscores the police's role in enforcing the state's biopolitical objectives. The emphasis on protection, duty, and apolitical intentions can be seen as an effort to align the state's actions with the accepted norms of society, which is a way of exercising control through the creation of a discourse that defines what is considered 'normal' and 'acceptable' behavior.

Vulnerability: police as victims of the pandemic

The pandemic was a unique moment in which the police are no longer mere enforcers of the state's health directives, but also potential victims of the pandemic. This expression of vulnerability exposes the limits of the state's protective reach and underscores the shared biological risks between the police and the population they are tasked to regulate. The death of a police officer from Covid-19 serves as a poignant reminder of the human element within the apparatus of state control, challenging the invulnerability often associated with law enforcement. The Inspector General clearly stated that the pandemic became a turning point for the police.

Ladies and Gentlemen, you are asking about the turning points and why everything has changed. This is why. Besides, we have entered a time when the number of Covid-19 infections increased significantly in Poland, when the number of deaths in Poland increased significantly, when – let us be real – a huge wave of infections washed over the police officers who secured the gatherings. One of the officers, to whom we paid our last respects on Friday, died of Covid-19. (Szymczyk, 2020)

This 'turning point' could have been a point of reevaluation of policing and protest during the pandemic. The increased risk to officers could have called into question the sustainability of traditional policing methods during health emergencies that may have

even led to transformative changes in both tactics and the broader societal understanding of the police's role. In essence, this moment could have redefined the biopolitical relationship between the state, its agents, and the governed populace, especially in terms of health and safety during the pandemic.

Instead, the government used the moment to justify aggressive police methods. The Inspector General regards the police as heroes, especially in the time of the coronavirus, and even when their administration of state violence is questioned and investigated. At the same time, the police are victims – of both the virus and of political authorities who question how the police manage protesters. The government argued that Sejm representatives who question the actions of the police are 'lynching' the police.

I repeat once again – every uncertainty will be explained, every case of proven fault will be accounted for, but I definitely cannot allow for a public lynching of my people, the heroes in the times of peace who risk their health and lives every day, who go out onto the streets of Polish cities and villages to ensure that every one of us, our close ones and our friends, have their basic need met, the need for safety. (Szymczyk, 2020)

By referring to the police as 'heroes in times of peace,' Szymczyk invokes a biopolitical frame that the police are both enforcers of law and essential protectors of the population's health and safety, thus justifying their actions and authority. His rejection of 'public lynching' suggests a resistance to external scrutiny and critique, which could undermine the state's control and the legitimacy of the police's role. This rhetoric serves to reinforce the state's discourse on the necessity of police actions for the collective good, even as it acknowledges the need for accountability within the force.

Policing norms of national unity: state institutions, symbols, and religion

The next two themes are about how the government attempts to establish and enforce norms in an effort to control the health of the citizenry during a public health emergency.

To assert its normative control over what is right and what is wrong, the government incorporates national symbols – and in Poland, they intertwine them narratively with religious symbols. Safeguarding these symbols becomes integral to biopolitics and serves as justification for policing of the Covid-19 pandemic. Among the institutions and freedom they defend is religion. During the Strajk Kobiet protests, some protesters focused, non-violently, on Catholic churches (Zabrzewska & Dubrow, 2021). The government considered this as aggression on the Church and Catholic community.

And I want to tell you that this time the victims of aggression are Polish Catholic churches, but if it so happened that some group of aggressors would destroy Orthodox churches or Jewish synagogues, with the same firmness we will enforce the right of these citizens to freely profess their faith and not to offend their religious feelings. (Kamiński, 2020c)

One can interpret this as government's attempt to gatekeep religion, controlling the norm for who can access religious institutions. This stance extends the biopolitical reach of the state to encompass the cultural aspects and religiosity of the populace, positioning the state as a protector of social norms and religious rights. The assurance of equal protection for all religious groups underlines the government's wish to be seen as neutral in applying its power. This commitment to act with 'the same firmness' across different religious contexts is indicative of the government's strategy to present itself as a

guardian of equality before the law. It reinforces the state's biopolitical mandate to foster unity and public order by actively preventing and responding to acts of religious intolerance, thereby reinforcing its authority and the legitimacy of its interventions.

While professing equality, they took pains to express their sympathies for religion, particularly the Catholic religion.

I will say it with regret, as a Catholic, that the police acted with the same firmness both against public gatherings and, unfortunately, against pilgrimages. Unaware of certain restrictions, such a pilgrimage started from Łowicz. To my regret, it was terminated. Only five people reached Częstochowa. This is an old Łowicz pilgrimage to Jasna Góra. I say this with regret because I am Catholic and I respect this age-old tradition. But the police acted consistently here, closing their eyes and not looking at whether they were coming from this direction or that. (Wąsik, 2020)

The expression of personal regret as a Catholic underscores the tension in Poland's governmentality between individual beliefs and the state's impartial enforcement of restrictions. Whereas the state asserts its biopolitical imperative to regulate the population for the collective good, the members of the government have particular regret for their preferred religion. This statement was intended to convey a deep, even painful commitment to impartiality. However, it also conveys favoritism and a norm to follow the Catholic religion.

According to the government, the police must also defend the symbols of Poland in the form of statues. They feel as strong an obligation to defend national symbols as they do religious ones.

Ladies and Gentlemen, if statues are profaned, not only religious ones, but also those that function as national symbols, if such statues like the Home Army monument that stands near the Sejm are being painted, if the statue of our country's friend, President Reagan, which is also close to the Sejm, is being destroyed, if even the statues of Piłsudski and Kościuszko get painted on, then this is really something you should watch over. The same goes for attacks on places of religious worship, on churches, places extremely important for many of our citizens. (Kaminski, 2020d)

The government's public statements as defenders of traditions, both national and spiritual, is a bid to justify on moral terms the right to control the health of the public through denying the right to protest.

Policing norms of equality

The government expressed that they extend the protective presence of the police equally and without bias. They will equally extend the possibility of state violence to all.

I said very clearly that any attacks of aggression will be prosecuted by the police. Any acts of devastation will be prosecuted by the police. It doesn't matter if it was done by blacks, yellows, reds or whites. (Wąsik, 2020b)

The goal of the police is always to ensure public order and security. The response to aggression and violence must be a decisive and decisive response from the police. The political views of the organizers and participants of the demonstrations, the slogans raised during them or the banners carried are irrelevant in this respect. [...] I assure you that similar and very decisive police actions will be taken against subsequent gatherings during which similar acts of violence and aggression are alleged to have occurred, regardless of who is the organizer of such gatherings. (Kamiński, 2020b)

Regardless of what views were expressed on the street, the police always applied the same rules. Regardless of the slogans, the police actions had to be and were firm where it was necessary to act decisively, and decisive in points where it was necessary to act decisively, where the blood of innocent people who went out to the streets to demonstrate their views could have been shed. (Kamiński, 2020c)

Wąsik's reference to prosecuting 'any attacks of aggression' regardless of the perpetrators' racial identity, and Kamiński's insistence that the police's response to aggression and violence is unaffected by the 'political views of the organizers and participants of the demonstrations,' both emphasize a non-discriminatory approach to state violence. It suggests that the state's application of power through the police is based on the nature of the actions (violence and aggression) rather than the content of the expression (political views or slogans). The repeated emphasis on decisive action where necessary, even to the point of preventing the 'blood of innocent people' from being shed, reinforces the government's narrative that the use of force is justified in the name of public safety and is applied equally to all. This approach reflects the government's broader strategy of legitimizing its governance and control measures by framing them within a discourse of equality and the protection of all citizens' rights to safety and public order.

The unbiased extension of state violence to all citizens would be, according to the government, 'professional' and 'fully legal' and well within their professional duties.

I believe, recently we had several shocking and unpleasant incidents, where the police had to use orderly measures that were adequate to the development of the situation. These measures were fully legal, professionally carried out by the police, and the measures were adequate to the situation at hand. (Kamiński, 2020)

The government may have felt safe in its role as protectors of traditional norms, the spiritual realm, and the health of the general public to such an extent that it felt that it could negotiate what 'brutality' means.

You say that the police acted brutally yesterday. What did this brutality consist of, I want to ask. On the fact that they legitimized people who take part in illegal assemblies and commit offenses? Yes, they commit misdemeanors and for this, they face consequences in the form of handing a fine. (Kamiński, 2020c).

For the government, there is always the omnipresent threat of carrying out violence: 'Direct coercive measures are prescribed by law, by statute, and the police use these direct coercive measures in accordance with the provisions of the law' (Wąsik, 2020d).

Surveillance and biopolitical control

To further its control over protesters, the government threatened to prosecute after the protest ended via continued surveillance.

There were also attacks, such as last night, on police officers or people who stood by the churches to guard the churches. This is barbarism, ladies and gentlemen. I would like to say that 76 people have been detained for criminal charges in connection with these events. The police are conducting more than 100 investigations to determine other perpetrators of these incidents - those who insulted religious feelings, vandalized or attacked police or other bystanders, and those who damaged property or, for example, jumped on private cars parked in the city. This is not tolerated. The police have responded, are responding and

will continue to respond, as appropriate, to all acts of aggression, to all attacks on people, to attacks against churches, to disruption of religious observances. (Wąsik, 2020b).

The announcement that ‘76 people have been detained’ and that over ‘100 investigations’ are underway is indicative of a persistent surveillance apparatus that continues to operate with vigor long after the streets have cleared. Indeed, Wąsik’s remarks can be critically viewed as a stark manifestation of biopolitical surveillance, where the state extends its gaze beyond the immediate temporal and physical bounds of public demonstrations such that no protester who confronts the state can sleep safely. This ongoing scrutiny suggests a form of state surveillance that is not merely reactive but anticipatory, seeking to deter future dissent by making an example of current transgressors. Wąsik’s assurance of the police’s unwavering response to ‘all acts of aggression’ was as a warning that the state’s surveillance and regulatory mechanisms remain active and vigilant, ready to suppress any perceived threats to its conception of public order.

The identification of actions against religious institutions and law enforcement as ‘barbarism’ not only criminalizes these acts but also pathologizes them, marking a departure from the state’s sanctioned norms and effectively othering those involved. This rhetoric serves to reinforce a narrative where the state, through its policing bodies, becomes the arbiter of morality and the defender of a particular social order, which in this case includes the sanctity of religious spaces and objects.

Othering

During the Strajk Kobiet protests of Fall 2020, the Minister of the Interior explicitly complained about the involvement of Sejm deputies as protesters. From this perspective, the Minister accused them of protesting merely for political reasons.

This is getting involved in illegal pandemic protests and a fight for political influence. Yes, you are fighting for political influence among the potential electorate. I am talking about the [Civic] Platform, I am talking about SLD and the organizers who probably want to create some new leftwing political movement. This is what it looks like from my perspective as a politician and this is how it looks from my perspective as a minister. (Kaminski, 2020d)

The government official’s characterization of the protests – and they specifically call out Civic Platform, the main opposition party to PiS – as ‘illegal pandemic protests and a fight for political influence’ serves a dual purpose. On one hand, it aligns with the biopolitical mandate of managing public health and societal well-being during a pandemic. On the other hand, it subtly invokes the state’s prerogative to marginalize and delegitimize certain groups’ concerns by framing their actions as politically motivated rather than genuine expressions of civic unrest related to public health.

The assertion that opposition parties and potential new political movements are using the protests to vie for the electorate’s favor reflects a biopolitical tactic of dividing the population into favored and neglected groups. By discrediting the protests as mere political posturing, the state attempts to maintain its control over societal norms and the narrative surrounding the pandemic response. This approach not only reinforces the state’s monopoly on violence and surveillance, as embodied by the police response to the protests, but also on the discursive control of what constitutes acceptable political behavior during a public health crisis. The state’s selective attention to public health becomes evident in the

Table 1. Themes of government justifications of police actions against protesters during the pandemic.

Theme	Definition	Critique
Vulnerability: Risks and Sacrifices of the Police	The government tries to create a narrative that the police are paragons of bodily sacrifice and just impartiality.	This narrative is designed to control public perception, and thus establish norms that justify surveillance and bolster the othering process.
Vulnerability: Police as Victims of the Pandemic	Highlights the paradoxical role of police as both heroic enforcers and potential victims during the pandemic.	The government uses vulnerability to justify their aggression and violence towards protesters, while attempting to shield themselves from public critique.
Policing Norms of National Unity: State Institutions, Symbols, and Religion	The police defend national and religious symbols during protests, reflecting its mandate to maintain social norms and public order.	Defending national ideals is an attempt to justify police aggression, surveillance, and othering against protesters.
Policing Norms of Equality	The government argues that the police enforce laws equally regardless of race or political views.	By aligning the police with enforcers of equality, they justify aggressive and violent police actions against protesters who, they claim, are violating these national ideals for political gain.
Surveillance and Biopolitical Control	The police surveilles the public after protests end to capture and punish protesters who, they claim, broke the law.	Biopolitics requires surveillance – this is a naked attempt by the government to justify ongoing surveillance and, thus, control, of street protesters even after the protest ends.
Othering	The government, via the police, attempts to frame protests as politically motivated against the government.	When the government portrays protesters as physically threatening norm-breakers, they create a justification to strike protesters physically.

way Kamiński dismisses the protestors' health concerns as secondary to their alleged political ambitions, thereby placing the ruling party over the opposition.

Summary of themes

The table above encapsulates the thematic interpretations drawn from the statements of Polish government officials during the Covid-19 pandemic. They include vulnerability of the police force as both heroic enforcers of the law and potential victims of harm. Next are the themes of national unity through police protection of state and religious symbols, and the impartial application of law enforcement to ensure equality. Additionally, the themes address the government's surveillance measures for biopolitical control and the othering of opposition groups. Whereas the themes are analytically distinct, they connect. The last column, 'Critique,' highlights these connections (Table 1).

Conclusion

The pandemic put the police and the protesters in a difficult position. As a government institution, the police were on the frontline of the Covid pandemic. At the same time, the public viewed government actions of various kinds as worthy of protest (Neumayer et al., 2024). The government's social distancing policies essentially criminalized mass street protest, putting the public, the police, and the government in conflict (Rak, 2021).

We empirically explored how a biopolitics framework helps to explain government justifications for the conflictual relationship between police and protesters. The

government justified aggressive police interventions into protests during the pandemic by arguing that they were protecting people and institutions. They stress that the police's role is to safeguard public order, democratic institutions, freedom of speech, and freedom of religion (see also Wróbel, 2022; Borowik & Grygiel, 2023). Authorities argued that police actions, whether during public gatherings or religious pilgrimages, are grounded in a commitment to maintain the public order.

Some have argued that, in Europe, containment policies were apolitical, enacted as such during a time of extraordinary uncertainty (Plümper & Neumayer, 2022). We find that a particular form of politics – biopolitics – was underway from the beginning of the pandemic. When we critically examine the statements of Polish government officials during this time, we see biopolitics on display. In the government's version of reality, they are protecting society from illegal and unruly protestors who seek to cause indirect mass harm via street protesting during the pandemic, and thus spread the virus, and cause direct harm to police officers through acts of protest violence. States traditionally project invulnerability, but in this time, they felt the need to declare their vulnerability to the virus, ostensibly transmitted to them by the very public they are sworn to protect. In so doing, they also cast themselves as heroes on the frontline against the pandemic and those who, according to them, are maliciously spreading a virus. Indeed, in Poland, as in other countries (Alcadipani et al., 2020), the government lauded the police as heroes in the face of extraordinary danger. According to the government, protesters, instead of being whom the state must protect in order to safeguard democracy, are the ones who threaten institutions and freedoms.

As the state asserts its role in managing the health of its citizenry, they invoke public health concerns and employ a variety of tactics, including surveillance. In these statements, the state's surveillance mechanisms, which extend beyond the immediate context of the protests, underscore a persistent and anticipatory gaze that seeks to deter future dissent. The Polish government's response, as described by officials, is not merely a reaction to events but a proactive strategy to maintain control and assert the state's narrative.

The state chose to marginalize the protestors and their concerns, reflecting the biopolitical management in which the state favors certain populations over others in the exercise of its power (see also Rak & Owczarek, 2022). The state, through its officials, claims to act in the interest of societal well-being, yet the critical tone of their statements suggests that the norms should be pro-government and anti-opposition. They emphasized the protection of public order and the sanctity of religious institutions, while pathologizing dissent by political opponents, publicly decrying it as a threat to the general welfare.

Mediation between policing and human rights

There already exists an international framework designed to improve the relationship between police and protestors that focuses on human rights. In 1964, the United Nations held a conference in Canberra on the 'Role of the Police in the Protection of Human Rights,' marking a global shift in policing towards human rights (Hambly, 2014; Martin, 2022b). This event underscored that 'policing' and 'human rights' are complementary concepts. Two decades later, in 1984, the United Nations Economic and Social Council identified significant tensions between human rights protection and policing in democratic states. This recognition led to the adoption of the Siracusa Principles on the

Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights. These principles provide governments with a framework for assessing police work in the face of human rights protection. It encourages the police to engage in dialogue with protest groups and to avoid direct physical confrontations.

The Covid pandemic in Poland, marked by, at times, violent suppression of protests, highlighted the urgent need to reassess the role of human rights in policing. Liberal democratic legal doctrines aim to clearly define interactions between protesters and police (Mead, 2010). However, this legal framework could reduce the role of protest to a mere social routine rather than a robust opportunity for the people to exercise their rights to challenge governments and other powerful institutions. This shift reflects a maneuver from universal human rights to specialized legal rules that frame protests as controlled playoffs between civil society and the police, for which governments set the rules (Fenwick, 2009). Some legal scholars argue that human rights should be treated as technical aspects of police training, with the hope that they will become integral principles and values guiding police actions (Beckley, 2016; O’Rawe, 2005). Political goals set by governments can undermine human rights considerations in policing. Governments must balance the compliance in policing of protests and the rights of protesters.

Towards a democratic ideal

In the democratic ideal, protest is constitutionally guaranteed, the government makes laws that promote the welfare of the citizenry, and the police enforces those laws. During the Covid pandemic, we see that the Polish government justified aggressive police interventions during protests by claiming to protect people and institutions. Whereas aggressive policing of protesters is not new (e.g. Earl et al., 2003), from a biopolitical perspective, what is new is that the government portrayed the police as vulnerable heroes of the public order. In these public statements, often made in defense of their actions, they attempted to set the norm that the government is the lawful protectors of all the citizenry. Yet, the government also portrayed the protesters as ‘others’ who put the police at risk, a public tactic also designed to narratively distance themselves from the bodies with whom they are in conflict. The practical burden of managing the Covid-19 response fell largely on the police, and law enforcement practices overshadowed public health efforts to address pandemic crises (a situation similar to other public health emergencies; see Carter & Rip, 2013). Indeed, in an effort to curb the spread of the virus, Covid policing in Poland, as elsewhere (e.g. Boon-Kuo et al., 2021), often relied on strategies, such as kettling, that were at odds with public health goals. The Polish government, already engaged in democratic backsliding, practiced biopolitics during a public health emergency; a biopolitical framework helps to elucidate how it did so.

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Appendix: Analysed Public Statements

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