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Religious freedom at the time of coronavirus

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In the global emergency of COVID-19 three selected episodes, one in South Korea, one in Italy and one in Pakistan[1], demonstrate how religion, sometime and at any latitude, can still be a very strong motive which leads, in the name of faith, to challenge the democratic laws (where they exist) or common sense, the scientific evidence and, as in these cases, even fate[2]. Another the point of view could be that these cases demonstrate how religion and religious minorities can become an easy target and how much more easier it is for religious liberty to be infected in the time of the coronavirus[3].

The episode in South Korea. Until the middle of February and despite the geographical proximity and the frequent exchanges with China, South Korea did not yet have any certified deaths by COVID-19 and the infection remained limited to 30 cases. From 17th February the number of positives to coronavirus suddenly grew: tripled in a weekend, immediately rose to nearly a thousand, then reached and surpassed 4,000 officially infected people and in a few days one already counted many tens of deaths. The hotspot of the epidemic in South Korea was a couple of ceremonies of the Shincheonij congregation, namely the Church of Jesus, Temple of the Tabernacle of the Testimony, celebrated in Daegu, the fourth largest city in South Korea with two and a half million inhabitants. The diffuser of the virus seems to have been a 61 year old woman. The woman who was already positive to coronavirus as confirmed by a test carried out on the 18th February, was a follower of the cult and was present at both events held for two consecutive Sundays and was among over a hundred followers. The spread of the virus was certainly favored by a few ideas and the conduct of the religious group. The members considered the infection a weakness and an obstacle to practise the faith. For this reason, when people were ill they tried to hide it or tried to convince themselves that they were not ill. Lee Man-hee, founder and messiah of the movement, before being arrested with the charges of murder and «conscious negligence» and before his excuses (on his knees) to the nation, had attributed the coronavirus to the devil and to «who is jealous of our growth». The leader had then convened two ceremonies and imposed on his followers a rite of purification to remove the virus from the body: it, then, seems that during the course of the gatherings of Daegu, the followers sat on the ground holding hands, groaning and panting without wearing eyeglasses or any protection for the face. Moreover, these gatherings were carried out in grand secret and not even family members knew about it.

The result? An explosion of the epidemic in South Korea, infections and deaths which attacked 60% of those belonging to the group.

Soon after the South Korean episode, there was an analogous episode in Italy. During a religious neocatecumenal gathering in Vallo del Diano, an area south-east of the province of Salerno, sixteen people resulted positive to coronavirus. Even in this case, the infection was the consequence of the participation of a 76 year old person, who was a healthy carrier of the virus but who subsequently died on the 10th March. After the first gathering in Atena Lucana between 28th February and 1st March, the faithful met a second time in Sala Consilina on the 4th March.

The spread of the virus led to the quarantine of the four municipalities of Atena Lucana, Sala Consilina, Polla and Caggiano and provoked the indignation of the civil authorities and of the citizens. The ecclesiastical authorities admitted that the believers «have certainly not been opportunely guided or coordinated by those who had the responsibility to do so» but being sorry for having seen «those belonging to a Catholic path with a proposal for a Christian life pass for virus-spreaders and disobedient people». The ecclesiastical authority wanted to precise overall that the followers of the Neocatecumenal Way «have always respected the indications prescribed by the decrees of the Prime Minister and by the votes in turn shared and made by the Italian Episcopal Conference»[4]. In relation to this, it should be remembered that on the 24th March, a regulation by President De Luca of the region Campania had, in effect, only *recommended* to the mayors to monitor and forbid «the organization and the performance of every manifestation which leads to meetings or gatherings of the citizens»[5]. Moreover, even the D.l. 23rd February 2020 n. 6, art. 1, comma 1, lett. had only *allowed* «in the municipalities and in the areas in which results positive at least one person», the «suspension [...] of events and of every form of public and private meetings even of a religious [...] character, even if in closed places but open to the public».

The third episode, in Pakistan, is, in order of time, the last example of infection by COVID-19 provoked by religious reasons and practices. In Lahore, in Pakistan, between 11th and 15th March 2020, a religious gathering in which took part around 250,000 people was, in fact, very probably the fuse of the epidemic which spread in large parts of the Middle East. It was concerning a meeting for the diffusion of the faith organized every year by Tablighi Jamaat, an Islamic integralist movement with an enormous number of followers on the Indian sub-continent and in middle eastern Asia and present in at least 80 countries in the world. On 12th March, the organizers of the event were asked to forbid the event. But for the leaders of the sect to cancel the prayer meeting due to an infective illness, even if with high mortality, would have meant to disobey the command of Allah. The Imam of the movement, Muhammad Taqi Usmani, immediately replied that the religious meeting served to «share the cure for the virus». Even in this case, the price for religious disobedience was high: 1,000 infected in one week only in Pakistan and the spread of the virus into Kirghizistan and Saudia Arabia. Even the rest of the Middle East risks to be overwhelmed by the epidemic. In Lebanon people positive to coronavirus are already nearly 400, in Israel around 3,000, in Saudia Arabia nearly 1,000 and everywhere they start to count the first deaths. In Iran the situation has already become tragic: around 30,000 infected and over 2000 deaths.

From a superficial point of view, the episodes in South Korea, in Italy and in Pakistan present connections and analogies well visible. All these episodes show how religion remains a factor of legitimacy which contributes to the construction of the public sphere; how faith still has the force to put in great difficulty rights and laws as obligatory benchmarks regarding the management of problems and conflicts or the force to oppose common sense; how religious obedience at times can express itself, more or less explicitly, as civil or social disobedience.

Nevertheless, from a more profound point of view, the three episodes show differences otherwise revealing. At least two. To start the protagonists are diverse. In the South Korean and Pakistan cases, the protagonists are religious groups of a cultic character: in South Korea, a secret semi-Christian and apocalyptic sect; in Pakistan, an Islamic integralist movement which had called a gathering of the faithful when numerous muslim countries such as Turkey, United Arab Emirates, Iraq and Jordan closed the mosques. In the Italian case, instead, the Neocatecumenal Way represents a recognized movement and integrated in the ecclesiastical reality of Catholic Christianity. But the most significant difference is in the nature of the contested initiatives. The gatherings of the sects of South Korea and Pakistan were born to exorcize the virus with rites and prayers of purification, that is, they were moved by the disbelief towards science. Diversely, seems the objective of the gathering of the Neocatecumenal Way which was to complete a course of prayer and the participants had respected the rules of prudence and of 'social distancing' which the health emergency had imposed.

If we stop to consider the Italian case, it should also be recognized, finally, that religion is certainly not the unique factor which competes with policy-making in the public sphere. The economy not is a lesser factor, for example. Not by case, Italy tried to select and to graduate as much as possible in time the actions of containment of the COVID-19 epidemic to reduce the recessive economic effects. From the less to the more restrictive, the interventions with which Italy has faced the health emergency – even though rather close together – have been

deferred in around two months[6]: five decrees[7], ten decrees realized by the Prime Minister (d.p.c.m.)[8], two ministerial decrees[9], five ministerial regulations[10], a ministerial circular[11], a resolution of the Cabinet[12], various other precautional/ protective measures[13].

The Italian case demonstrates, then, that at the time of Coronavirus, our Constitutional priorities should certainly change, but by how much and how, instead, are a matter of points of view.

The COVID-19 emergency demonstrates, in particular, how different, for example, are the considerations of religious freedom in the hierarchy of fundamental constitutional rights when they pass from the State perspective of democratic laws to the religious perspective of religious rights and practices.

In the State perspective, the policy-making options dictated by the epidemic alarm have determined, at a juridical level, a new hierarchy among constitutional interests which put in first place the defence of public health (art. 16 and 32 Cost.). To pay the price are those fundamental rights and freedom among which is the exercise of the right of religious freedom as set out in art. 19 of the Constitution. Therefore, the exercise of the right of religious freedom can not but be seen as illegitimate or irresponsible with respect to the higher need for containment of the epidemic.

In the religious perspective of the Catholic church even in an health emergency the principle of distinction of the temporal order of the State from the spiritual order of the Catholic church must be protected (art. 7 Cost. it.). For this reason, the Catholic Church confirms by way of autonomous ecclesiastical provisions: the suspension of religious functions disposed by the civil authorities[14]; the defence of the right of the faithful to receive the sacrament[15] and the duty of pastors to administer it; and the affirmation of prayer as a need also and overall in the time of coronavirus. However, the provisions do allow the restrictions of the civil authorities to religious freedom if they conform to an objective moral order[16].

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[1] These are not the only cases of this type: see, for example, *Deux mille pèlerins, cinq jours de prière et un virus: à Mulhouse, lo scénario d'une contagion*, in www.lemonde.fr (<http://www.lemonde.fr>), 27.02.2020.

[2] See P. Consorti, *Religions and virus*, in <http://www.diresom.net> (<http://www.diresom.net>).

[3] United States Commission on International Religious Freedom (USCIRF), *Releases New Factsheet on the impact of Coronavirus on Religious freedom*, in <http://www.uscirf.gov> (<http://www.uscirf.gov>).

[4] Cfr. Ministry of Interior, *Parere del Dipartimento per le libertà civili e l'immigrazione, Direzione centrale degli affari dei culti, on Quesiti in ordine alle misure di contenimento e gestione dell'emergenza epidemiologica da Covid-19. Esigenze determinate dall'esercizio del diritto alla libertà di culto*.

[5] Giunta Regionale della Campania, *Ordinanza del Presidente*, 24.02.2020, n. 1

[6] <http://www.governo.it/it/approfondimento/coronavirus/13968>
(<http://www.governo.it/it/approfondimento/coronavirus/13968>).

[7] D.l. 23.02.2020, n. 6 «Misure urgenti in materia di contenimento e gestione dell'emergenza epidemiologica da COVID-19» (GU n. 45 del 23.02.2020); D.l. 02.03.2020, n. 9 «Misure urgenti di sostegno per famiglie, lavoratori e imprese connesse all'emergenza epidemiologica da COVID-19» (GU Serie Generale n. 53 del 02.03.2020); D.l. 9 marzo 2020, n. 14 «Disposizioni urgenti per il potenziamento del Servizio sanitario nazionale in relazione all'emergenza COVID-19» (GU Serie Generale n. 62 del 09.03.2020); D.l. 17 marzo 2020, n. 18 (c.d. '#CuraItalia')

«Misure di potenziamento del Servizio sanitario nazionale e di sostegno economico per famiglie, lavoratori e imprese connesse all'emergenza epidemiologica da COVID-19 (GU Serie Generale n. 70 del 17.03.2020)»; D.L. 25 marzo 2020, n. 19 (GU Serie Generale n. 79 del 25.03.2020).

[8] DPCM, 23.02.2020; DPCM 25.02.2020; DPCM 22.03.2020; DPCM 01.03.2020 abrogativo dei precedenti (GU serie Generale n. 52 del 01.03.2020); DPCM 04.03.2020 (GU Serie Generale n. 55 del 04.03.2020); DPCM 08.03.2020 abrogativo dei precedenti (GU Serie Generale n. 59 del 08.03.2020); DPCM 09.03.2020 (GU Serie Generale n. 62 del 09.03.2020); DPCM 11.03.2020 (c.d. decreto '#IoRestoaCasa', GU Serie Generale n. 64 del 11.03.2020); DPCM 22.03.2020 (GU Serie Generale, n. 76 dl 22.03.2020); DPCM 01.04.2020.

[9] Minister of Economic Affairs Roberto Gualtieri, Decreto ministeriale 24.02.2020; Minister for Economic Development Stefano Patuanelli, Decreto ministeriale 25.03.2020.

[10] Cfr. Minister of Public Health Roberto Speranza, Ordinanza 30.01.2020 (GU Serie Generale n. 26 del 01.02.2020); Ordinanze of Minsiter of Interior: Ordinanza 31.01.2020; ordinanza 21 febbraio 2020; Ordinanza 20.03.2020; Minister of Public Health Roberto Speranza and Minister of Interior, Luciana Lamorgese del 22.03.2020.

[11] Ministry of Interior, Circolare 14.03.2020.

[12] Council of Ministers, Delibera 31.01.2020 «Dichiarazione dello stato di emergenza in conseguenza del rischio sanitario connesso all'insorgenza di patologie derivanti da agenti virali trasmissibili» (GU Serie Generale n. 26 del 01.02.2020).

[13] *See*, for example, the rules of the national health authorities and of national authorities of civil protection since the 30.01.2010.

[14] G. Dalla Torre, *Gli ordini dello Stato e gli ordini interni della Chiesa*, in <http://www.avvenire.it> (<http://www.avvenire.it>), 22.03.2020.

[15] *Codex Iuris Canonici* 1983, can. 813.

[16] Second Vatican Ecumenical Council, *Declaration on religious freedom Dignitatis Humanae*, n. 7. *See* also the guidelines of Italian government of 20.03.2020 available at: <https://www.interno.gov.it/it/notizie/chiese-aperte-funzioni-religiose-ma-senza-partecipazione-dei-fedeli> (<https://www.interno.gov.it/it/notizie/chiese-aperte-funzioni-religiose-ma-senza-partecipazione-dei-fedeli>).

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