



**D+ReSoM**

Diritto Religione Società Multiculturali  
Law Religion Multicultural Societies

Право Религия Мультикультурные Общества

انون والدين في المجتمعات متعددة الثقافات  
多元化社会中的法与宗教

# LAW, RELIGION AND COVID-19 EMERGENCY

EDITED BY  
PIERLUIGI CONSORTI

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*papers* 1

DiReSoM Papers

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**LAW, RELIGION AND COVID-19 EMERGENCY**

edited by

Pierluigi Consorti

DiReSoM (Diritto e Religione nelle Società Multiculturali – Law and Religion in Multicultural Societies) is a research group created in 2017 by Italian Scholars in Law and Religion.

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## STATE LAW



## THE GREEK ORTHODOX CHURCH AT THE TIME OF THE SARS-COV-2 EPIDEMIC\*

Enrica Martinelli

Last week the Greek government informed the population of the urgent need to adopt prevention and containment measures against the spread of the Covid-19virus, indicated by the WHO, which also prohibited gatherings of people, even in open spaces, and the closure of schools, universities and public establishments.

In respect of these measures the hierarchy of the Orthodox Church, which in Greece enjoys a State prerogative, demonstrated its wish not to come to terms with the virus, unconditionally trusting in the salvific work of Christ the Saviour.

Therefore, churches remained open for worship with the icons displayed without prohibiting the devotional kiss<sup>1</sup> and the services celebrated as usual with the participation of the public, called upon to pray<sup>2</sup> and to respect the rules of Lent, including that of fasting.

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\* Submitted: March 17<sup>th</sup> 2020. Published: March 25<sup>th</sup> 2020. For ITA version [click here](#).

<sup>1</sup> Even if this is a practice that is not currently recommended, despite the sanitisation of the icons.

<sup>2</sup> The ecclesiastic authority “paternally admonished” the sacred clergy and the Orthodox population to “direct all our prayers to the Winner of corruptibility and death, our Lord Jesus Christ, to keep his People healthy and unharmed. For

This ecclesiastical decision led to a critical reaction, but it was also supported by worshippers, who entrust their salvation – on the earth and in heaven – to Christ and his Church.

A particularly controversial point was that related to the maintenance of the traditional form of distribution of the Eucharist, in its dual form comprising bread and wine, with the same teaspoon for all the worshippers. In response to the medical/scientific evidence that has unquestionably proven that contagion takes place particularly through saliva, the ecclesiastical authorities stated that: “For members of the Church, the approach to the Eucharist and the Communion of the Holy Cup of Wine, certainly cannot be a cause for the transmission of diseases as worshippers of all eras know that the approach to the Eucharist, also during times of pandemic, constitutes on one hand a real statement of remission to the living God and on the other hand an immense display of love that overcomes all human fear, even justifiable”<sup>3</sup>.

The Autocephalous Church of Greece Permanent Holy Synod met on 9 March to underline the appropriateness of the choice, distinguishing between the unquestionable nature of the scientific evidence, and the just as valid certainty that faith in *μυστήριον*, i.e. in the sacrament, is a gift (*θαῦμα*) of the incarnate Word; therefore “those who approach God with awe, faith and love and with complete freedom, without any constrictions, receive the body and

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that purpose, it begs the Eminent Metropolitans to advise priests, so that before the end of the Mass next Sunday, the second Sunday of Lent (15.03.2020), they pray in all the churches in Greece for the containment of this disease”. Resolution of the Permanent Holy Synod of 9 March, which can be consulted online at this [link](#).

<sup>3</sup> Compare also the documents on the website <https://www.ekklisiaonline.gr/category/ekklisiaellados/>

blood of Christ which becomes a “medicine of immortality”, for the forgiveness of sins and eternal life”. Thus any contrary opinions were declared to be completely unfounded, as “they are based on other, different assumptions and on a different approach” (which is not the fideistic one Ed.). The ecclesiastical authority [stated](#) that “members of the Church know that Communion, i.e. the relationship, is the fruit of love and expression of freedom, precisely because it knows no suspicions, prejudices and fears [and that] there is no fear in love. But perfect love drives out fear” (1 John 4,18)”.

However, it would be difficult for such declarations, which are certainly inadequate for the current emergency situation and actually dangerous to public health, to have a different content, given that they represent the traditional theological interpretation of the sacrament of the Eucharist.

Also the use of the same teaspoon for all the worshippers is a symbol of the full communion of the people of God, a mysterious icon of the communion of Christ with the Apostles who, at the last supper, ate the same bread and drank the same wine from the same cup. Therefore the Synod “without condemning anyone for their fear and worry” specifies that “all worshippers shall continue to come to our Orthodox Churches and receive Communion, in the certainty that they receive it in life and in immortality”<sup>4</sup>.

In Greece the orthodox church plays a central role, given that religious sentiment, along with the need for identity belonging, is strongly perceived, therefore the declarations of the ecclesiastical authority placed many citizens/worshippers in the face of a dual dilemma of consciousness. On one hand, awareness of the

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<sup>4</sup> Resolution of the Permanent Holy Synod, 9 March, cit.

methods of transmission of the virus placed the worshippers in the position of avoiding participation in the liturgy of the Eucharist, but finding themselves in the condition of being stigmatised as Christians with lukewarm faith. On the other hand, they found themselves in a conflict of loyalty between obedience to the government's instructions, which included staying away from crowded churches and therefore taking part in religious celebrations<sup>5</sup>, and the invitation of the Church to approach the Eucharist as the "medicine of immortality for the forgiveness of sins and eternal life".

In the face of these dilemmas, the government has taken cautious steps to prevent initiating a conflict with the Orthodox Church. It has encouraged the ecclesiastical authority to adopt the envisaged measures, but has stopped at the threshold to churches. Despite the increase in contagion, the Ministry of Health, on 13 March, recognised the incompetence of the executive power in contesting the ecclesiastical statements, as they are covered by the guarantee of respect for [freedom of worship](#)<sup>6</sup>. The Holy and Sacred

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<sup>5</sup> "The representative of the Ministry of Health and professor of infectious diseases Sotiris Tsiodras, during an update of health workers, held on 6 March, stated that: "The obligation to avoid crowded gatherings also relates to churches, in particular for people who belong to risk categories and attend these places". On this point, the scientist specified that "great attention must be paid to reaching an agreement with the local metropolitan churches so that they provide the relative instructions" and added that "an agreement has been reached between the Ministry and the heads of the Church in the affected areas, so that they provide appropriate instructions". However, up to now no particular measure has been announced. Discussion of this issue which affects millions of worshippers throughout the Country, is "heated" (compare [here](#)).

<sup>6</sup> With regard to the political opposition forces, only the centre-right of Syriza and Kynal continues to insist on imposing draconian measures on the Church, to protect citizens' health, based on the example of many other countries *where*

Synod of the Ecumenical Patriarch also took part in the debate, which met on 11 March presided by Saint Bartholomew, issuing a statement in which it invited worshippers to comply with the health indications of the WHO, following the legislative provisions issued by the States. However, on the *punctum dolens* of the Eucharistic communion, the position of the Holy Synod of Constantinople does not differ from that of the Holy Synod of Greece, in fact it supports and reinforces it, proclaiming that “the Great Church of Christ knows from two thousand years’ experience that the Eucharist is the “medicine of immortality” and remains in the current Orthodox doctrine of the Holy Eucharist”<sup>7</sup>.

On 12 March, the Clergy Association of the Church of Greece denounced the intensification of persecutory attitudes towards the Church “by the usual environments, but also by isolated individuals who, with hatred, most of the time, and with strong doses of irony, spread their poison”<sup>8</sup>.

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*there* is also strong religious sensitivity. The most critical positions towards the “submissiveness” of the government can be read at this [link](#).

The reaction of the physician and former Minister of Health, Pavlos Polakis, is particularly controversial as he contests the government’s contradiction of having cancelled carnival celebrations in order to protect public health but having continued to allow everyone to drink from the same spoon in churches”. On this issue, the former Minister talked about a “Christian talibanism” phenomenon.

<sup>7</sup> The text of the statement of the Holy Synod of the Ecumenical Patriarch can be read at this [link](#), and in Italian on [OLIR](#) – Observatory of Religious Freedom and Institutions.

<sup>8</sup> The text of the press release is significant as it is inspired by the health emergency situation touching on an issue that is very dear to the ecclesiastical hierarchy: the system of relations between the Hellenic Republic and the Greek-Orthodox Church. “Over recent days we have also heard talk of a State - Church separation and we can’t really understand how the problem of the threat of the virus to human health is connected with the issue of the State – Church separation. What amazes us is that we have never heard anyone say that we must

A step in the direction of mutual understanding was taken on the evening of 12 March by the Head of Government who, in a statement to the Greek people broadcast by the media, urged all citizens to take personal responsibility for safeguarding public health and called directly upon the Archbishop Ieronymos to ask for his cooperation in the battle against the virus. Under these circumstances “Our faith is not tested, but our attitudes show our love for others” - the Prime Minister said - “Therefore religious duties must also adapt to reality. And they must be performed at home, as far as possible, in order to limit large gatherings of people. I am counting on the support of the heads of the Church. But my institutional role obliges me to clarify the issue. I know that faith often begins where science ends. But the faith that we need now is that which enables us to overcome the crisis. Everyone just needs to slavishly follow the indications of the doctors and specialists”<sup>9</sup>.

The appeal of the Head of Government led to an extraordinary convocation of the Holy Synod which on 16 March resolved to adopt measures of doubtful utility and poor effectiveness for the current level of spread of the epidemic. In

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intensify our prayers, kneel down together with the psalmist and whisper what we recently listened to in the celebration of the Thursday of the 2<sup>nd</sup> week of Lent. On the other hand, the disarticulated cries of those who have opened the Gates of Hades and ask for the closure of the churches are multiplying”.

The complete text of the press release can be found at this [link](#).

<sup>9</sup> The text of the statement of the Head of Government of 12 March can be consulted at this [link](#).

According to some ecclesiastical organisations, the Prime Minister anticipated what the Church had already decided. In fact, measures have been adopted such as the suspension of catechism, parents’ school, Byzantine music school, hagiography school and many other activities; the suspension of events, trips and sports activities that had been planned for this period and young people have been advised not to meet in closed places with concentrations of many people.

particular, churches remain open and worshippers can choose whether or not to take part in the liturgies which “with a sense of pastoral responsibility” will be celebrated “soberly in the morning time”. Nothing is stated regarding the Eucharistic Communion<sup>10</sup>.

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<sup>10</sup> The full version of the Synod’s resolution can be consulted at this [link](#). Below is the English translation of the resolution.

*Extraordinary meeting of the Permanent Holy Synod*

Today, 16 March 2020, the Permanent Holy Synod of the Church of Greece met for an extraordinary meeting, in the 163rd Synodic Period, presided by the Archbishop of Athens and of the whole of Greece Ieronimos, in order to reassess its decisions in light of the exponential increase in infection from coronavirus. All the Metropolitans of the 11 Holy Metropolises took part in the meeting.

The Permanent Holy Synod and the Metropolises were informed, in relation to the danger of the spread of coronavirus, by Sotirios Tsiodras, professor of infectious diseases and representative of the Ministry of Health, who was sent for this reason by the President. The update was followed by a long in-depth discussion. After the debate, the Permanent Holy Synod decided that:

1. Churches will remain open only for individual prayer.
2. Everyone, particularly the elderly and those who belong to particularly vulnerable categories of the population, is required to stay at home, in order to prevent gatherings of people. Everyone should behave as a carrier of this virus and is required not to infect others, *therefore* must protect him/herself and others. *Therefore*, with a sense of pastoral responsibility, a sober celebration of the Holy Mass is recommended as of next Sunday (22.3.2020) until Lazarus Saturday (11.4.2020), from 7 to 8 am, as also for the Annunciation (25.3.2020).
3. All holy processions and all planned weddings and baptisms are suspended, but if absolutely necessary, these sacraments take place with the presence of the parents, godparents and witnesses only.
4. Funerals are held inside the church in the presence of the close relatives of the deceased only. In the same way, memorials of deceased will be celebrated on their tomb only.
5. In the Holy Convents, the planned Holy Processions of the Nuns will be celebrated without the participation of pilgrims.
6. It will adopt all the measures taken by the State to fight the spread of the virus and of its own initiative everything necessary on the basis of the evolution of the situation in the near future.

Therefore, the Church did not go back on its decision. At 9.43 pm on 17 March, the Prime Minister tweeted “All services in all places of worship, regardless of religion or dogma, are suspended. Churches will remain open for individual prayer only. Protecting public health requires clear decisions”<sup>11</sup>.

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7. Calm, self-control and faith in the health authorities and in the government are recommended and people are warmly invited to prevent spreading feelings of panic and insecurity. It is underlined yet again that everyone must comply with the health regulations and the rules set down by the public health authorities, as also outlined in the previous statements of the Holy Synod.

8. It appreciates the discretion with which the State expresses respect for the religious sentiment of the worshippers of our Church. It also declares that should any changes in the near future lead the Authorities to adopt further extraordinary measures, it will meet to examine the issue again.

Such decisions of the Permanent Holy Synod are the result of the loving provision of our Church and Its desire to embrace all men living in our Country. Our Christians are urged, every evening from 10 to 10.15 pm, to pray with us in their own homes for the end of temptation and disease and to support the sacrifice of the service offered by doctors, nursing staff and scientists/researchers, whom we all thank with gratitude and bless.

The alarm has already sounded in our Monasteries for continuous prayer. We all hope that our Lord Jesus Christ grants rest to our brothers who have passed away because of this deadly virus and consolation for their loved ones who are mourning, and pray for the speedy recovery of those who are ill and for the end of this terrible trial.

The Holy Synod of the Church of Greece.

<sup>11</sup> The text of the tweet can be found at this [link](#).

In the Greek Government Gazette, dated 16 March, the decision of the Ministers of Education, Religious Affairs and Health was published, which establishes the suspension until 30 March “of services in all places of worship, for all dogmas and all religions”; only individual prayer is allowed, for a few minutes and respecting the distance of at least two metres between worshippers. Compare

ΕΦΗΜΕΡΙΔΑ ΤΗΣ ΚΥΒΕΡΝΗΣΕΩΣ ΤΗΣ ΕΛΛΗΝΙΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ  
 , 16 Μαρτίου 2020, Αριθμ. 2867/Υ1.



At this point it is legitimate to ask whether the Government should have waited for ecclesiastical consent before adopting the necessary measures for safeguarding public health, which is certainly a responsibility of the State. But on the other hand, the Greek church could not be expected to renounce its declaration of millennial truths of faith.

Therefore, the conflict remains open and only time will tell.

*Post scriptum*

On 18 March the decision taken by the Ecumenical Patriarch of Constantinople to limit the spread of contagion from Covid-19 was published.

The Patriarch Bartholomew announced the suspension, until 31 March, of religious services and celebrations in all regions of the world that depend on the authority of the Ecumenical Patriarch (including some regions of Greece, such as Macedonia, Thrace, Crete, Patmos and many of the islands of the Dodecanese group). In relation to the Orthodox Church in the USA, the decision, taken in accordance with the Archbishop Elpidophoros, is that of holding services in churches with closed doors, without the presence of worshippers.

The Patriarch Bartholomew calls upon all worshippers to do their duty by staying at home, praying alone and scrupulously following the instructions of their governments.

The statement of the Patriarch can be read (and heard) at this [link](#).



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1 – *Law, Religion and Covid-19 Emergency*, edited by Pierluigi Consorti





As scholars engaged in the study of the legal regulation of the religious phenomenon, we decided to create a web space to collect documents, comments and other useful materials related to the Covid-19 emergency, in order to assess the outcomes of the normative decisions made by state and religious authorities. So, on March 8th we have created [www.diresom.net](http://www.diresom.net). By the end of April, we had already published more than 500 documents and comments related to this issue, and more than 20.000 unique visitors had surfed our website. Therefore, we decide to edit an open source book to share in a more orderly way the comments that we have already published online, thus giving the possibility to consult these first guidelines to all those who want to study or analyze the legal reaction, both state and religious, to this pandemic.

**Pierluigi Consorti**, Full Professor of Law and Religion at the University of Pisa (Italy), is the Chairman of the Association of Academics of the Legal Regulation of the Religious Phenomenon in the Italian Universities (Adec) and the Coordinator of Research Group DiReSoM.

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