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Do coronavirus closings violate religious liberty? A religious freedom expert weighs in



Courtney Mares/CNA

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Few were surprised when the Chinese Communist Party banned church services in the wake of the coronavirus outbreak in Hubei province. But the Italian government decree suspending all public religious ceremonies – leading to the suspension of Masses in the Pope's own diocese – provided more of a jolt.

All four of the vastly different countries with the most documented cases of the Covid-19 coronavirus – China, Italy, Iran, and South Korea – have suspended religious services.

As more government leaders will soon face tough decisions in the face of a spreading pandemic, the president of the Religious Freedom Institute told CNA about important criteria to ensure the protection of a foundational freedom.

“There must be a presumption in favor of full religious freedom for all religious communities in every country, especially in democratic countries. Italy's decision in this case does not change that

presumption, but it does show that in very limited circumstances, temporary limits on the freedom to gather may licitly be applied," the RFI's Tom Farr told CNA.

"No right with public effects is absolute, including the precious right of religious freedom," he added.

Farr was the first director of the U.S. State Department's Office of International Religious Freedom, and subsequently taught religion and foreign affairs at Georgetown University and the U.S. Foreign Service Institute.

He said that these "limited circumstances" include instances when the extent of deadly infection is exceptionally high.

"Given Italy's current designation as Level 3 by the U.S. CDC, which indicates the presence of 'Widespread Community Transmission,' Italy's decision seems reasonable, especially in light of the fact that, to use the CDC's description, 'There is limited access to adequate medical care in affected areas' of Italy and this reality understandably contributes to this extraordinary move," Farr said.

"Absent this level of community transmission, the justification for such extraordinary measures to restrict religious gatherings quickly becomes much more tenuous," he added.

When Italian government decreed the suspension of all civil and religious ceremonies, including funerals, on March 8, there had been 7,375 documented cases of the coronavirus leading to the deaths of 366 people.

In the days since that decree and a national quarantine, the number of cases in Italy has soared to 27,980 confirmed cases of COVID-19 and 2,470 deaths on March 16.

Along with religious ceremonies, the Italian government also decreed the closure of all schools, universities, museums, movie theaters, concerts, gyms, archaeological sites throughout the country. The following day, the Prime Minister announced a national quarantine.

The religious freedom advocate explained that any government exercising its authority in such an extraordinary fashion should abide by the following criteria to ensure religious freedom:

"Such decrees may not be employed arbitrarily, for example, to target a particular religion or religion in general. They must be public, clear, and transparent. They should be preceded by consultation with the religious communities involved."

Decrees banning religious freedom also "must be grounded in overwhelming evidence, available to all, that public health would be severely endangered without such a decree. They must be time-limited, with a clear and public expression of when the ban will end," Farr told CNA.

The Diocese of Rome announced the cancellation of all public Masses shortly after the Italian government decree went into effect. Since then, Church leaders in Rome have debated whether churches in Rome could remain open for private prayer during a national quarantine.

"It is of course the right and the duty of any religious community to challenge in lawful ways any act by government that it considers an illicit restriction of its religious freedom. In some cases a community might find itself in the position of needing to engage in principled, civil disobedience. As I understand it the Catholic Bishops of Italy and the Holy Father have agreed to this decree, from which I infer they believe it prudent and just," Farr said.

"It would be difficult to imagine such a sweeping decree in the United States, where the Constitution provides to all Americans and all their religious communities the right of free exercise of religion. However, should there be clear and overwhelming evidence that, in particular locations, the public health required a ban on all gatherings, it is not inconceivable," Farr said.

Numerous state governments have announced prohibitions on gatherings of more than 250 people in recent days.

The Archdiocese of Seattle was the first in the U.S. to cancel public Masses in response to a government directive, and dozens of dioceses have followed suit. [Others have granted general dispensations from the obligation to attend Sunday Mass](#), and some bishops, like Archbishop Alexander Sample of Portland, have encouraged parishes with high Sunday Mass attendance to consider adding more Masses.

Farr said that such banning large gatherings, if not specifically targeting religion, is understood to be within the government's prerogative at a time of crisis.

"An American bishop bringing suit against a ban, whatever its size, would very likely prevail if the ban were only on religious gatherings. However, he would have trouble prevailing if the ban is on all gatherings, religious or not, and the act is easily justified by a dire threat to public health and welfare," Farr said.

"Speaking as a Catholic for whom the sacraments are not optional, and are necessary to health and welfare, however, I would hope that the Italian Church, or the Church in any jurisdiction would do everything it could reasonably do to make the sacraments available in ways that would be consistent with just authority," he added.