

RELIGION, LAW AND COVID-19 EMERGENCY

The Dialogue among States and Religious Groups

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Introduction

The article is focused on a research in which the DiReSom research group¹ is involved since the beginning of the Covid-19 emergency. The title of the paper is: “The dialogue among states and religious groups” and I’ll examine this topic in three steps; then, I’ll try to imagine how the dialogue could be the method for the future relationships, when states and religions will probably afford other situations of emergency.

In the first part I’ll examine the dialogue as a secular method in the European Union.

In the second step I’ll explain the experience of the Italian protocols for the resumption of the religious celebrations. In the third part the dialogue will be drafted as a method for the relationships among religions.

Conclusion: the dialogue is the method for the future, after covid-19 emergency.

1. The dialogue is a secular method in the European Union

In Italy, during the first phase of the pandemic, we were saying that after the covid-19 emergency nothing will be the same. There was the common idea that our way of life, our jobs, our travelling, our schools and universities, our interpersonal relationships, will change and that we need to learn the lesson of the pandemic.

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¹ DiReSoM (Diritto e Religione nelle Società Multiculturali – Law and Religion in Multicultural Societies) is a research group created in 2017. It is coordinated by Prof. Pierluigi Consorti, full professor in the University of Pisa.

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When the Italian government decided to limit the freedom of movement of the citizens, as a measure to stop the increasing of the diseases, also the freedom of the public cult was limited². In this first phase, the phase of lockdown, the government didn't ask the religious authorities advice, and there was no dialogue among them. The necessity to preserve the public health prevailed over the necessity of the dialogue³. Some scholars said that this approach was incoherent with the Italian tradition of bilateral relationships⁴. Other European governments have had a different approach. In France, President Macron has joined together in a video call the religious leaders and the representatives of secular organizations, explaining them the restrictive measures the France was going to introduce, and asking their help in the social matters involved with the pandemic⁵. In my opinion, this approach is coherent with the Treaty on the Functioning of European Union, art. 17, n. 3, where we can read: "Recognizing their identity and their specific contribution, the Union shall maintain an open, transparent and regular dialogue with these churches and organizations". The "transparent and regular dialogue" with the religions and the non-theistic organizations is therefore the method chosen by the secular Europe⁶. This dialogue is also necessary for the implementation of the principle of horizontal subsidiarity.

2. *The Italian Protocols for the religious celebrations.*

The second step is the experience of the Italian protocols for the religious celebrations. The Diresom research group have played an important role in the realization of the protocols. On 26th April, 2020, when the Italian prime minister announced the beginning of the "phase two" and the gradual resumption of the

² See M. L. Lo Giacco, *In Italy the Freedom of Worship is in Quarantine, too*, in P. Consorti (ed.), *Law, Religion and Covid-19 Emergency*, *DiRe.Som Papers*, (www.diresom.net), n. 1, 2020, pp. 37-44

³ See F. Balsamo, *The loyal collaboration between State and religions at the testing bench of the Covid-19 pandemic. A perspective from Italy*, in P. Consorti (ed.), *Law, Religion and Covid-19 Emergency*, cit., pp. 47-55.

⁴ See V. Pacillo, *La sospensione del diritto di libertà religiosa nel tempo della pandemia*, in www.olir.it, 16 marzo 2020; Id., *La libertà di culto al tempo del coronavirus: una risposta alle critiche*, in *Stato, Chiese e pluralismo confessionale*, *Online Journal*, (www.statoeChiese.it), n. 8/2020, pp. 85-94.

⁵ See M.C. Ivaldi, *La via francese alla limitazione delle libertà e il dialogo con le religioni al tempo del coronavirus*, in *Stato, Chiese e pluralismo confessionale*, *Online Journal*, (www.statoeChiese.it), n. 14/2020, pp. 80-89.

⁶ See D. Durisotto, *Unione Europea, chiese e organizzazioni filosofiche non confessionali (art. 17 TFUE)*, in *Stato, Chiese e pluralismo confessionale*, *Online Journal*, (www.statoeChiese.it), n. 23/2016, pp. 1-39; F. Colombo, *Interpreting Article 17 TFUE: New Openings towards a European Law and Religion System*, in *Stato, Chiese e pluralismo confessionale*, *Online Journal*, (www.statoeChiese.it), n. 1/2020, pp. 17-31.

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economic and social activities, it seemed that the churches, and the freedom of public cult, were forgotten by the government⁷. In fact, while Catholic church and the other religious confessions were sure that the new decree would authorize the celebration of the cults, the prime minister announced that only funerals would be allowed, with up to fifteen relatives of the deceased. He said nothing about the other rites, but he promised that in the coming days the government would study a protocol for safe participation in religious celebrations.

The day after, the Diresom research group published a “Position paper for a safe resumption of religious celebrations in Italy”⁸ and the paper was the ground for a meeting, a video conference with the ministry of internal affairs, the leaders of sixteen different religious groups, and two professors with the role of mediators. One of them was the professor Pierluigi Consorti, the director of the Diresom research group⁹. After the meeting, in few days, there was the signature of the protocols¹⁰. It is important to underline the method that has conducted the parts to the signature of the protocols. The method is the dialogue, the transparent and inclusive dialogue of the art. 17 TFEU, and it is a secular method. It’s not the fruit of a negotiation, but it is a text open to the adhesions of other religious communities, if they want to adhere¹¹. We can say that the pandemic caused an evolution, it opened a new season in the Italian state-churches relationships, until now blocked in the hierarchic, bilateral model.

3. *The dialogue among religions.*

The third step is the dialogue among religions. During the pandemics the Catholic Pontifical Academy for Life published a document with the title “Global Pandemic and Universal Brotherhood”¹²; in it we can read a reflection on the meaning of freedoms and rights. The first ones, during the emergency, turned out to be “intertwined and overlapped, for better or for worse”, but also the rights are

⁷ In <http://www.governo.it/it/articolo/conferenza-stampa-del-presidente-conte/14518>.

⁸ The Position Paper is now published in P. Consorti (ed.), *Law, Religion and Covid-19 Emergency*, cit., pp. 271-277.

⁹ L. M. Guzzo, *Riprendono anche i riti non cattolici. Per la prima volta accordi con islamici e confessioni senza intesa. Intervista al Prof. Pierluigi Consorti*, in www.diresom.net, 16 maggio 2020.

¹⁰ The Protocols in www.diresom.net.

¹¹ M. L. Lo Giacco, *I “Protocolli per la ripresa delle celebrazioni delle confessioni diverse dalla cattolica”: una nuova stagione nella politica ecclesiastica italiana*, in *Stato, Chiese e pluralismo confessionale*, *Online Journal*, (www.statoechiese.it), n. 12/2020, pp. 107-114.

¹² http://www.academyforlife.va/content/dam/pav/documenti%20pdf/2020/Nota%20Covid19/Nota%200n%20the%20Covid19%20emergency_ENG_.pdf

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interdependent and there is “no right that does not have a resultant corresponding duty”. The pandemic has clearly showed this interdependence but, the document notes, the interdependence does not automatically turn into solidarity. This occurs also in the relationships among the states, that can’t confront the pandemic by reasoning in terms of exclusive defense of the national interest, since a global threat requires global responses. “An emergency like that of Covid-19 is overcome with, above all, the antibodies of solidarity”. In the same days, the Higher Committee for Human Fraternity¹³, an interreligious organization born after the Abu Dhabi Declaration¹⁴, proposed a day of prayer, fasting and charity, in order that the world will be freed from the pandemic, becoming more fraternal. The day was celebrated on 14 May 2020 and it was, obviously, a religious celebration, but it was also an event with a political meaning. Pope Francis, in the homily of the morning mass of May 14, said that the Coronavirus pandemic is not the only pandemic that affects the world, since there are others such as the hunger pandemic or the war pandemic; according to the Pope, only thanks to fraternity will humanity be able to overcome the pandemics. During the pandemic, religions reminded politics of the value of fraternity, the revolutionary principle that underlies modern democracies, which must be the basis to go beyond the emergency and to plan the future¹⁵.

4. Conclusion

The World Health Organization launched a program called “Solidarity”. This program is an international clinical trial to help find an effective treatment for COVID-19¹⁶. As we can read in the internet homepage of the organization: “The Solidarity Trial will compare four treatment options against standard of care, to assess their relative effectiveness against COVID-19. By enrolling patients in multiple countries, the Solidarity Trial aims to rapidly discover whether any of the drugs slow disease progression or improve survival. Other drugs can be added based on emerging evidence”.

¹³ <https://www.forhumanfraternity.org/>

¹⁴ The Document on “Human Fraternity for World Peace and Living Together” was signed in Abu Dhabi by the Pope Francis and the Grand Imam of Al-Azhar Ahmad Al-Tayyeb on 4 February 2019, in http://www.vatican.va/content/francesco/en/travels/2019/02/04/documents/papa-francesco_20190204_documento-fratellanza-umana.html

¹⁵ M. L. Lo Giacco, *Fraternity. A proposal from religions to states to overcome the Covid-19 emergency*, 20 maggio 2020, in www.diresom.net.

¹⁶ <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/global-research-on-novel-coronavirus-2019-ncov/solidarity-clinical-trial-for-covid-19-treatments>.

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In my opinion, the use of the word “solidarity” as the slogan of the program is not accidental. Solidarity, or fraternity, seems to be the answer in post Covid-19 pandemics. We have seen the role that solidarity played in State-religions relationships as a secular method, and the importance of fraternity in interreligious relationships. Dialogue and solidarity (or fraternity) is the method for the future.