

JOINT COMMUNIQUÉ  
OF THE HOLY SYNOD BISHOPS AND THE METROPOLITAN COUNCIL OF THE  
ORTHODOX CHURCH IN AMERICA

To the Clergy, Monastics, and the Faithful of the Orthodox Church in America:

Over the past several weeks His Beatitude Metropolitan Tikhon and members of the Holy Synod of the Orthodox Church in America, as well as individual members of the Holy Synod of the Church, have been in almost constant communication with each other regarding a myriad of critical and pressing issues presented to our Church and stemming from the current pandemic unleashed on our society by the presence among us of the Novel SARS-CoV-2. While many of these issues present novel and unprecedented theological and liturgical challenges, many of these issues have also implicated constitutional, legal, administrative and financial questions which are virtually unprecedented in the history of the Orthodox Church in America.



Throughout this process your Bishops have unceasingly sought the advice and counsel of professional experts, especially those in the fields of theological and liturgical matters as well as public health administrators and legal advisors regarding questions within the parameters of their particular expertise. This process is, of course, of a continuing nature, with new issues and challenges arising on a daily – even hourly – basis.

To consider these matters even further, there was a special session of the Holy Synod of Bishops on Monday, March 30, 2020 to provide further and more defined guidance, particularly with respect to instructions regarding the liturgical commemoration of Holy Week and the celebration of the Pascha of our Lord on April 19, 2020. Likewise, the Metropolitan Council met on Tuesday, March 31, 2020 in order to discuss and coordinate further the response of the Church to this difficult crisis.

Certain aspects of the current crisis are, however, woefully apparent even at this point in time.

We are informed that litigation – none of which currently involves the Orthodox Church in America – has already erupted in a variety of civil jurisdictions which have at their core issues of compliance with those governmental directives which have already been issued by civil authorities at the national, state, and local levels. We can certainly anticipate that legal proceedings of this nature will only multiply in the coming weeks and months. Preliminary indications are that civil claims of this nature will not be covered by existing insurance contracts to which our Church and its affiliated entities are parties.

For many, many decades now, the insurance industry in the United States has been, and remains to this day, a stalwart friend and supporter of American churches, particularly with respect to both private and public assertions of church liability in a variety of contexts, including liability for statutory and common law claims, worker's compensation claims, unemployment compensation issues and many others. However, claims relating to liability arising from COVID-19 related events are new, unexpected, un contemplated and unanticipated within the insurance industry, and we can anticipate with some certainty that insurance carriers may contest insurance coverage for such claims in future Coronavirus-connected litigation. At this point in time we can only speculate as to the judicial resolution of such coverage issues in the future. All of this suggests that coverage is, at best, uncertain, and that it is in the best interest of the Church to proceed on the basis that there is no coverage in place under any of these circumstances. To further confuse and aggravate the situation we should take into account that insurance is not a single commodity, that carriers have different coverages, forms and endorsements and that

individual parishes, with their insurance professional, may tailor coverage to their particular risk and desires. There is at the present time no way of knowing with any legal certainty the existence and extent how each individual parish is protected under their existing insurance policies.

Therefore, given these critical issues, ambiguities and uncertainties regarding the potential of insurance coverage, we all need to be thoroughly compliant with all civil authority directives by adopting practices that go above and beyond the norm in hygiene and the cleaning of our Churches, and doing what is reasonable and prudent to protect our Churches in the current circumstances.

In this respect the Holy Synod of Bishops and the Metropolitan Council can only reiterate and forcefully emphasize the absolute necessity that each and every one of our parishes, monasteries, seminaries, and all other ecclesiastical entities affiliated with the Orthodox Church in America comply with excruciating and painstaking detail all governmental requirements and directives, whether promulgated by the national, state, or local civil authorities, relating to measures issued in connection with the current pandemic. There can be no exceptions to this mandate.

It is with a heavy heart that your Bishops and the members of the Metropolitan Council issue this communiqué, knowing full well the heavy burden which it may impose on the Clergy, Monastics, and the Faithful of our Orthodox Church in America.