

Historical and Biblical Notes on the Role of Church and State in a Health Crisis
Compiled by Pastor Phil (www.gcb.church)

Key passages to read and reflect on first: Titus 3:1-2, 1 Peter 2:12-18, 1 Timothy 2:1-8, Romans 13:1-7

Martin Luther practiced civil disobedience by illegally preaching, but saw black plague health restrictions differently. He wrote: ‘I shall avoid places and persons where my presence is not needed in order not to become contaminated and thus perchance infect and pollute others... if everyone would help ward off contagion as best he can, then the death toll would indeed be moderate ...if some are so foolish as to not take precautions but aggravate the contagion, then the devil has a heyday and many will die.’ⁱⁱ

Charles Spurgeon on cholera epidemic in 1800s: ‘It seems to me that this disease is to a great extent in our own hands, and that if all men would take scrupulous care as to cleanliness ... and if overcrowding were effectually prevented ... and other sanitary improvements could be carried out, the disease, most probably, would ... be in a very mitigated form. I am thankful that there are many men of intelligence and scientific information who can speak well upon this point, and I hope they will never cease to speak until all men learn that the laws of cleanliness and health are as binding upon us as those of morality. So far from a Christian man being angry with those who instruct the people in useful secular knowledge, he ought rather to be thankful for them, and hope that their teaching may be powerful with the masses. The gospel has no quarrel with ventilation ... and much as we advocate holiness, we always have a good word for cleanliness and sobriety. We would promote with all our hearts that which may honour God, but we cannot neglect that which may bless our neighbours whom we desire to love even as ourselves...’ⁱⁱ

1918 Epidemic that Closed Churches For Weeks. (A 9Marks article traces the history of how churches abided by the government call to cancel all indoor gatherings, and in those weeks many applied for permits to meet outdoors, and when unsuccessful, appealed in other ways): “As [death] numbers began to decline, churches started to argue for a lifting of the ban. On October 25, an opinion piece on the Friday edition of *The Star* argued that churches should be transferred from the prohibited to the regulated class of gatherings, such as war workers in factories... The very next day, October 26, another article reports that “strong pleas” were made to Health Officer Fowler and the Surgeon General by the Protestant Pastors Federation of Washington, DC. This group, which had exactly three weeks earlier voted to abide by the city’s restrictions on church gatherings, now sought unsuccessfully to obtain permission to gather...

In a letter to the editor in that evening’s edition of *The Evening Star*, Rev. Randolph H. McKim, ...protested the continued ban on church gatherings... Letters and appeals from pastors to the Commissioners to lift the ban continued for several more days as deaths and new cases continued to decline. One Baptist minister, Pastor J. Milton Waldron, published an editorial on October 29, writing on behalf of “the eleven hundred members of Shiloh Baptist Church.” In the article, Pastor Waldron expresses his members’ concern that ... “the authorities are woefully lacking in reverence to God and wanting in a correct knowledge of the character and mission of the church when they place it in the same class with poolrooms, dance halls, moving picture places, and theaters... The Christian church is not a luxury, but a necessity to the life and perpetuity of any nation.”

Then, finally, on October 29 the Commissioners released an order to lift the ban ... According to the DC health officer Dr. Fowler, conditions were such now that he felt assured by the fall in the death rate and the reduction in the number of new cases that “it was safe to open the churches this week [Thursday] and the opening of the theaters, schools, and other public gathering places Monday.” A few churches placed advertisements in the Wednesday, October 30 edition of *The Star* announcing the resumption of services. For instance, Calvary Baptist Church announced that it would be resuming its mid-week prayer meeting on Thursday, October 31 as well as regular services on Sunday, November 3.

On that first Sunday, the Reverend J. Francis Grimke preached a powerful sermon that was later published and distributed, “Some Reflections: Growing Out of the Recent Epidemic of Influenza that Afflicted Our City.”[30] In the sermon, Grimke acknowledges that there was “considerable grumbling” on the part of some regarding the closing of churches. However, he offered a defense of the ban on gatherings: “The fact that the churches were places of religious gathering, and the others not, would not affect in the least the health question involved. If avoiding crowds lessens the danger of being infected, it was wise to take the precaution and not needlessly run in danger, and expect God to protect us.”

In conclusion, the influenza of 1918 provides an example of how churches in Washington DC responded to a public health crisis and government orders to close churches. During one of the worst epidemics to ever hit our country, churches respected the directives of the government for a limited time out of neighborly love and in order to protect public health. Even when churches began to disagree with the Commissioners’ perspective, they continued to abide by their orders. This demonstrates a place for freedom of speech and advocacy while respecting and submitting [with appeal] to governing authorities.ⁱⁱⁱ

Note: GCBC participated in a 4/23/20 call “Reopening Churches Safely and Legally” hosted by Pacific Justice Institute, a group dedicated to defending Christian freedoms. This legal group also hosted a Q&A on Your Religious Rights During COVID-19 that we have access to. We will be consulting with them and others in these days. Here are some statements from them in resources they have made available to us:

Pacific Justice Institute Memo: Church Rights Amidst Bans of Mass Gatherings – California (3/24/2020):

“Where does the Governor derive the authority to take drastic actions like banning core First Amendment activities including church gatherings? California authorizes emergency declarations through the Emergency Services Act (ESA), Gov’t. Code §§ 8550-8669.7. Combating an epidemic is one of the specified reasons for issuing such a declaration. Gov’t. Code § 8558... In one of the leading cases interpreting the ESA, the California Supreme Court opined, “Thus, the Emergency Services Act makes clear that in situations of ‘extreme peril’ to the public welfare the State may exercise its sovereign authority to the fullest extent possible consistent with individual rights and liberties.” *Macias v. State* (1995) 10 Cal. 4th 844, 854...

Based on our more than 20 years’ experience litigating in the federal and state courts in California, as well as in many other states, we believe it is highly likely a court would defer to government officials in this crisis—at least in the short term—and uphold these bans notwithstanding the First Amendment... churches should be aware that failure to comply with an Executive Order under the ESA is a misdemeanor. Gov’t. Code § 8665. The penalties under that section are a \$1,000 fine, six months imprisonment, or both. Slightly lesser penalties are prescribed for violation of local health directives, under Cal. Health & Safety Code § 120295...churches not yet subject to bans may be well served to limit the size of gatherings and become more reliant on home-based fellowships and gatherings. In many ways, this would be a return to the church’s New Testament roots.

There is reason to be concerned about governmental overreach during a state of emergency. As noted [in other cases], statute and precedent provide a basis for raising First Amendment arguments during this crisis. At the same time, it seems most likely that a court would uphold almost any shutdown order by the Governor during the present crisis as it relates to churches, at least in the short term... In order to help empower churches, PJI will soon make videos available on our website^{iv}

Alliance Defending Freedom training resource for Pastors: “The U.S. Department of Homeland Security has recognized your essential role... Clergy are listed under the OTHER COMMUNITY ... ESSENTIAL FUNCTIONS section in the Cybersecurity and Infrastructure Security Agency (CISA) guidance [p. 16].^v ADF is monitoring federal, state and local government policies, guidance and rules closely to consider the legal implications... prepared to take legal action to protect our Constitutional rights.”^{vi}

Albert Mohler tracks legal concerns as he writes: ‘Still is government’s responsibility, in the defense of public health, to respect those rights articulated in the Constitution. The corresponding role of the church is to demonstrate love for God and neighbor by respecting the authority of the state when it requests we forgo, just temporarily, the assembly of the saints until it is once more safe to gather again. Nonetheless, the authority of the state cannot escape the thoughtful limitations of the Constitution... Every court in the country would agree that curbing the spread of a worldwide pandemic is sufficiently compelling to merit government orders limiting the gathering of Americans in large groups. So long as those restrictions are applied temporarily and fairly... Church and state should work together to exercise prudence in the face of this contagion... let our churches be known for the ministry and support they uniquely provide: care, comfort and calm. And may the government continue to protect the health and safety of citizens.’^{vii}

Washington Examiner article: “‘It’s not a violation of religious liberty for the state to use its police power towards social distancing,” said the Southern Baptist religious liberty advocate Russell Moore. “But it has to be consistently and fairly applied, and it can’t single out churches or religious organizations as opposed to other groups.” ... in the *Washington Post* in early April, Albert Mohler...and religious liberty advocate Kelly Shackelford, said... “Asking houses of worship to briefly suspend large gatherings is neither hostile toward religion nor unreasonable...this is a time for all of us to exercise prudence over defiance.’^{viii}

Richard Land, former head Southern Baptist Religious Liberty Commission: “In the last few weeks, social media and the internet in general have been replete with debates about whether or not churches should comply with government mandates to suspend worship services and related church group activities as the country seeks to stem the spread of the incredibly contagious coronavirus. Many have said, “Yes, we have an obligation to obey the civil magistrate for conscience sake” (Rom 13:7). Others have responded, “No, we have special freedoms and protections under the First Amendment, and our ultimate loyalty must be to Jesus, not the state!” Are Christians being good citizens by complying with the government’s attempts to protect the public welfare of the citizenry, or do we exercise our freedom of conscience and trust that God will protect us from the potential health consequences? Which option is a more winsome and appealing Gospel witness to a watching world?

Such discussions and debates concerning the interplay and interaction between Christians and civil government have been ongoing since the early days of the Christian church. After all, the Apostle Paul addressed this very issue in his letter to the church in Rome as early as approximately AD 58. Almost certainly addressing a question perplexing the Christ-followers in the capital of the Roman Empire, Paul informed them that the civil magistrate was “ordained of God” and that their divinely mandated purpose (Paul even calls them “God’s ministers”) was to punish those who “doeth evil” and to reward those who “do that which is good” (Rom. 13:1-7). The Apostle exhorts his Roman Christian brothers and sisters to obey the civil authorities “for conscience sake,” concluding, “Render therefore to all their due: tribute to whom tribute is due; custom to whom custom; fear to whom fear; honour to whom honour” (Rom 13:7).

At the same time, Jesus teaches that our ultimate loyalty must be to God, not Caesar (Mark 12:17). In the book of Acts, the Apostles Peter and John illustrate the limits of divinely mandated civil authority when they were commanded to be silent and cease witnessing to Jesus crucified and resurrected for the sins of the world. When threatened in order to “cease and desist for preaching the gospel, the apostle replied, “For we cannot but speak the things which we have seen and heard” (Acts 4:20) and said, “We ought to obey God rather than men” (Acts 5:29)...The question is, does that paradigm apply in this particular instance? I think not. The state is not singling out churches and telling them and them alone to cease assembling for worship. They are banning all gatherings [while actually encouraging preaching online].

Second, the reason for banning assemblies is not ideological or theological, but is simply seeking to protect all citizens from serious physical harm... the state has a compelling interest in protecting the public safety and the churches should willingly comply with such government actions. What the church

should be doing is exploring innovative ways to “do church” ... Let’s not seek a needless confrontation with governmental authorities in order to demand the exercise of our “rights.” Instead, let’s heed our obligations and responsibilities to our neighbors as good citizens and not endanger their health and well-being. And let’s do look for the Lord to use this crisis to give us opportunity to expand our Gospel witness in new and innovative ways.”^x

Below blog was linked by Challies from April 18, 2020: Christians are struggling to know how to self-consciously live out God’s command: “Let every person be subject to the governing authorities” (Romans 13:1)... I don’t [believe in the U.S.] our government is perfect. We have passed and upheld laws that give permission for sin. Tragically, I don’t think everyone is treated fairly under the rule of law. Additionally, I’m suspicious that there’s legislation that violates the Constitution, or creates loopholes to existent laws.

Admittedly, there’s also regulations and ordinances that inconvenience my life. But in nearly four decades of living I’ve never had a law forced upon me requiring that I choose between God and man. For that I’m tremendously thankful! ... the church isn’t a political party, policy maker, lobbyist organization, or an institution of checks-and-balances for the civil government. I’ve often been reminded of Jesus’ question to the man who wanted him to settle a legal conflict: “Man, who made me a judge or arbitrator of you?” (Luke 12:14). With perfect knowledge Jesus could have decided the dispute better than any civil court. But he deferred to the lawful authorities appointed to make such decisions...

It could be that the restrictions on public gatherings as applied to religious assemblies is unconstitutional. Personally, I expect challenges to be made in the judicial courts which is the appropriate place for those challenges to be made (see Acts 25:10-12) — not the court of public opinion. But the unconstitutionality of a law is not the same thing as an unbiblical law. In asking questions about civil disobedience we cannot conflate these two. Civil disobedience is *not* “We must obey the constitution rather than men,” it *is* “We must obey God rather than men.”

... This is a time when narratives are being spun and misinformation spread like wildfire — sensational headlines are so much more exciting than fact! But as Christians we must be concerned about the truth. For instance, I have heard over and over again that the... governor has forbidden Christian worship. Actually, the Governor has only restricted the number of people who can be present in a public facility. That’s an important distinction. In Kansas we’re not being prohibited from preaching the gospel, reading the Bible, praying together, or singing. We’re not even prohibited from having a public gathering. We are only restricted in how many can be present in our church building. I admit that limiting makes for a pastoral head and heartache since our whole congregation cannot legally gather in one place. But my point is simply that as those who serve the Truth we need to avoid sensational and misleading narratives

...

The Apostle Peter is able to write with little qualification: “Fear God. Honor the emperor” (1 Peter 2:17). The Roman emperor — even if he is the wicked and persecuting Nero — is still to be honored by Christians. Further, inconsistency doesn’t delegitimize a government’s authority. I’ll admit, inconsistency in the application of executive orders is really frustrating. Yesterday, our Governor gave a qualified A-Z list (literally) of who is exempted from her restrictions — the church is not one of those exceptions. But simply because not everyone on the road is ticketed doesn’t mean I can now lawfully speed. Our submission to the government doesn’t depend on their political commitments, moral character, or consistency. Rather, we submit to all that isn’t contrary to the Bible as the free children of God (Mt 17:26)

Fifth, we need to carefully have a heart-check. There are times when as Christians we need to disobey our governing authorities (see Acts 5:29). But it is only when *they* require *us* to be disobedient to *God* [clear biblical examples would be to stop speaking of Jesus, to stop praying (Daniel), to require worship of a false god (Daniel’s friends), to kill babies (Exodus midwives)]... *For the Christian the only motivation for civil disobedience is a deep biblical conviction that obedience to man would be disobedience to God.*^x

ⁱ Martin Luther, “On Whether One May Flee From a Deadly Plague,” *Luther’s Works*, Vol. 43, p. 119.

ⁱⁱ Charles Spurgeon, “The Voice of the Cholera,” *Metropolitan Tabernacle Pulpit*, Vol. 12, p. 445.

ⁱⁱⁱ <https://www.9marks.org/article/how-dc-churches-responded-when-the-government-banned-public-gatherings-during-the-spanish-flu-of-1918/>

^{iv} <https://www.pacificjustice.org/about-us/>

^v

https://www.cisa.gov/sites/default/files/publications/Version_3.0_CISA_Guidance_on_Essential_Critical_Infrastructure_Workers_4.pdf

^{vi} https://adflegal.blob.core.windows.net/mainsite-new/docs/default-source/documents/resources/training-resources/care-in-the-midst-of-covid-19_mobile_v5.pdf?sfvrsn=5d3dd4bd_4

^{vii} <https://www.washingtonpost.com/opinions/2020/04/03/mandatory-social-distancing-is-not-threat-religious-liberty-its-essential-humanity/>

^{viii} <https://www.washingtonexaminer.com/news/top-protestant-and-catholic-leaders-church-shutdowns-are-not-a-threat-to-religious-liberty>

^{ix} <https://www.christianpost.com/news/ask-dr-land-should-churches-obey-govt-on-no-church-services-during-coronavirus.html>

^x <https://gentlereformation.com/2020/04/18/some-thoughts-on-christian-civil-disobedience/>