

# **The Church in a Pandemic State of Emergency**

A Summary and Legal-Theological Resource

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Our current circumstance can be frustrating. And as the church and culture drift further apart, we find ourselves often seeing encroachments on Religious Freedom and Liberty. Where is this coming from, and are the Emergency Measures Powers currently responding to the Pandemic an attack on Religious Freedom?

There are some very important questions we ought to be asking. But to do so, we must first understand the basic terminologies and legal standing of Emergency Orders.

One major issue impacting this question is the newly risen supremacy of expressive individualism, which means that both the culture and the church are operating from a new paradigm. We see this in the church's conflict with the LGBT community, where the LGBT community feels oppressed by the Church. And we see it in some churches who feel oppressed by the emergency measures.

**Expressive Individualism** Expressive individualism holds that each person has a unique core of feeling and intuition that should unfold or be expressed if individuality is to be realized.<sup>1</sup>

**State of Emergency** A State of Emergency is a legal declaration made by the Sovereign in a situation where a threat to the Civil Order exists that is so great, that if it is not stopped the Civil Order will collapse.

**Emergency Measures Act(s)** Acts of Parliament, or a Provincial Legislature that enable extraordinary ministerial powers to be exercised, temporarily, during a state of emergency.

**Legislative Acts Currently Employed in Canada** There are presently three types of Legislative responses to the Pandemic active in Canada

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<sup>1</sup> Robert Bellah et al., *Habits of the Heart*, 2nd ed. (University of California Press, 1996), 333-5

- **Provincial Orders** Pursuant to Provincial Emergency Measures Acts—In Ontario, for example, the *Emergency Management and Civil Protection Act*
- **Federal Legislation** – NOT part of the Federal *Emergency Measures Act*, but rather by consent of the Provinces, a form of regular legislation called the *Emergency Response Act*; and
- **Ministerial Orders/Regulations** issued by Government Ministers as they have been empowered under their respective enabling Emergency Measures Acts.

**The Charter and Emergency Measures Acts** While these acts are unusual in their nature, they are very “ordinary” in law. Section 1 of the Charter reads:

The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such *reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society*.<sup>2</sup>

Our current Health Orders are authorized by law. The question is, are they justified? Are they Reasonable limits? These are questions to bring to our elected representatives and courts.

**A Prayer for All Those in Civil Authority** Almighty God, whose kingdom is everlasting and power infinite: Have mercy upon this whole land, and so rule the heard of all in authority, that they, knowing whose ministers they are, may above all things seek thy honour and glory; and that we and all the people duly considering whose authority they bear, may faithfully and obediently honour them, according to thy blessed word and ordinance, through Jesus Christ our Lord, who with thee and the Holy Ghost liveth and reigneth, every one God, world without end. *Amen*.<sup>3</sup>

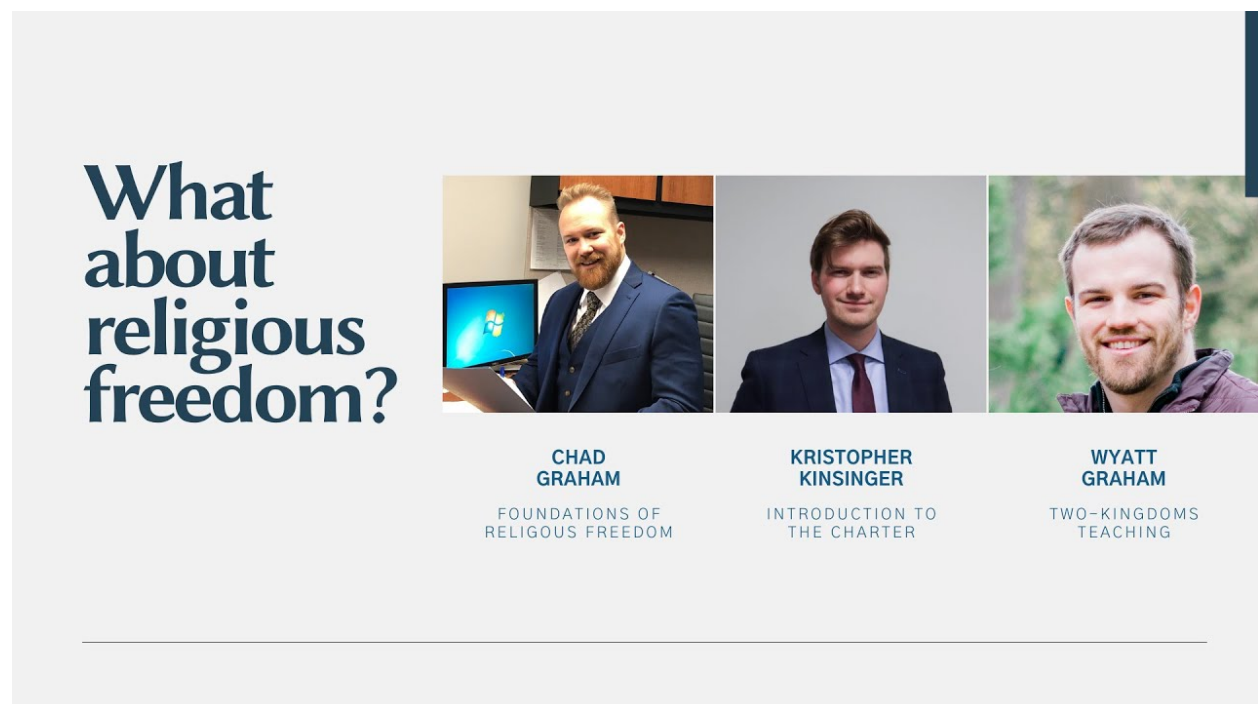
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<sup>2</sup> The Constitution Act, 1982, Schedule B to the Canada Act 1982 (UK), 1982, c 11

<sup>3</sup> The 1662 Book of Common Prayer: International Edition (IVP, 2021), 14-15.

**Additional Resources** It is rare in Canada that Churches are treated unfairly under the law. However, it does happen. How should you respond if you believe that you are being treated unfairly, or unjustly, and in that treatment, your ability to do the ministry of Word and Sacrament is impeded? Two helpful resources, where I elaborate on these themes further are:

- The What About Conference “What About Religious Freedom”



- The Gospel Coalition Canada: “Seven Ways Churches Can Engage (Unfair) Governing Authorities” Available here: <https://ca.thegospelcoalition.org/article/seven-ways-churches-can-engage-unfair-governing-authorities/>
- I also recommend Carl Truman’s Book: *The Rise and Triumph of the Modern Self* ([Amazon](#)).

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