

## 10

### Corona, Culture, Caesar and Christ

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#### ABSTRACT

*The coronavirus crisis has raised numerous questions, ranging from the medical and scientific to the social and political. I will argue in this piece that for the most part far too many governments have overreacted to this crisis, with the result that we have had too many infringements on individual liberties, and far too much unnecessary expansion of government. In particular I will examine the following six matters: how crises can lead to increasing powers of the state; how the nature of risk needs to be responsibly dealt with by individuals and states; how some government policies and programs entail a notion of the perfectibility of human nature; how far things like security and safety can be mandated and enforced by the state; how concerns about religious freedom interact with concerns about public health and safety; and how feasible or desirable something like just revolution might be if statist overreach becomes too onerous.*

#### I INTRODUCTION

That the coronavirus crisis of 2020 heavily tested legal, political and social structures and institutions would be an understatement. All these and more were put under great strain and duress. As such, many

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## FUNDAMENTAL RIGHTS IN THE AGE OF COVID-19

questions emerged as to how various social goods and values are to be balanced (including public health and safety), what the role and limits of government are, the value and reach of liberty, and the place of coercion and the force of law.

Very early on with this pandemic it became clear that in the face of so much social and cultural upheaval, various trade-offs would be required, and extensive cost and benefit analyses of different government actions and public policy decisions would be needed to help us successfully navigate through these largely uncharted waters. It is these options and approaches, especially as undertaken in Australia and America (the two nations I have lived the longest in), that I will look at here in a somewhat broad-brush fashion – but with various specifics mentioned along the way.

My thrust will be this: Generally speaking, too many governments overreacted to this virus crisis, resulting in too many infringements on individual liberties, and far too much statist overreach and aggrandisement. The issues I will examine here are these: the role of crises in the increasing role of the state; the nature of risk and how states deal with it; the perfectibility of human nature through government programs; how far the state should seek to work for universal safety and security; religious freedom concerns; and the desirability or feasibility of just revolution over against unjust statist overreach.<sup>1</sup>

### II THE STATE AND CRISES

One of the earliest pieces I wrote on my own website on the coronavirus crisis had to do with the issue of public crises and emergencies, and how governments have tended to respond historically. While still early days back then, I did warn that this Covid-19 crisis could easily turn into yet another clear case of governments rapidly expanding

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<sup>1</sup> While most essays in this collection will have focused on legal aspects, mine will include that, but will also look even further at other considerations, such as historical, ethical, philosophical, political, and even theological ones – all at the request of the editor. Indeed, it is an honour to have been asked by Professor Zimmermann to contribute a chapter to this set of essays, and I thank him now for his kind invitation.

their powers, with individual freedoms being radically curtailed. Of course, any student of history could have proffered similar concerns.

We know that in times of crisis, the power of the state can easily and rapidly expand while the freedoms of the individual can shrink dramatically. That is not to argue against the notion that in times of genuine crisis and emergency there is a place for the state to step in and act in a responsible and appropriate manner. But the key is to carefully discern what is a real and major crisis, what is a mild crisis, and what is just a manmade or fake crisis.

Real crises can and do result in these sorts of trade-offs. In times of war for example people will often happily and willingly put up with all manner of constraints and limitations on their liberty. They will put up with various restrictions, with blackouts, with rationing, and even with donating precious items to the war effort – be they various metals and minerals, or even their very lives.

Tough times call for tough responses. But the key is to know that the emergency is real, and that it warrants such harsh measures and such huge sacrifices. And it helps to know that our leaders have our best interests at heart. This is not always the case of course. It is all too easy to find numerous instances of bias, agenda-pushing, hype, deception, and misinformation in political circles. Politicians often have hidden agendas or ulterior motives in what they say and do. And the temptation for them to take even more power and control is always a clear and present danger.

While the state is often willing to seize control of things, it can be quite loth to give up control. A public health crisis is just the sort of thing that power-hungry politicians will latch onto in order to grab more control and more power. And that means much less liberty and freedom for ordinary citizens.

If politicians only had the best of intentions when it comes to its citizenry, we could all breathe much easier. But they often do not. Too often runaway government is the norm, as are unwarranted restrictions on liberty. One can simply offer any number of quotes from various conservative thinkers and leaders on this matter. Ronald Reagan for

example spoke often about these harsh realities. Here are a few of his oft-heard thoughts:

- *‘Either you will control your government, or government will control you’.*
- *‘No government ever voluntarily reduces itself in size. Government programs, once launched, never disappear. Actually, a government bureau is the nearest thing to eternal life we’ll ever see on this earth’.*
- *‘Concentrated power has always been the enemy of liberty’.*
- *‘The most terrifying words in the English language are: I’m from the government and I’m here to help’.*<sup>2</sup>

The American Founding Fathers of course spoke to these issues constantly. Thomas Jefferson’s warning must be carefully considered: ‘The natural progress of things is for liberty to yield and government to gain ground.’<sup>3</sup> And George Washington reminded us of this truth: ‘Government is not reason; it is not eloquent; it is force. Like fire, it is a dangerous servant and a fearful master.’<sup>4</sup>

Many others have sounded the alarm about such dangers. One expert who has examined these truths in some detail is worth appealing to. The Austrian-British philosopher and economist F. A. Hayek (1899-1992), wrote much about freedom and its enemies. In the third volume of his classic *Law, Legislation and Liberty* he has a short section on “Emergency powers”. The first half of that is well worth sharing here:

The basic principle of a free society, that the coercive powers of government are restricted to the enforcement of universal rules of just conduct, and cannot be used for the achievement of particular purposes, though essential to the normal

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<sup>2</sup> ‘Ronald Reagan Quotes’, *AZ Quotes*, <[https://www.azquotes.com/author/12140-Ronald\\_Reagan](https://www.azquotes.com/author/12140-Ronald_Reagan)>.

<sup>3</sup> Thomas Jefferson, ‘From Thomas Jefferson to Edward Carrington, 27 May 1788’, *Founders Online*, <https://founders.archives.gov/documents/Jefferson/01-13-02-0120>>.

<sup>4</sup> George Washington, ‘Famous Quotes by George Washington’, *Quotes*, <<https://www.quotes.net/quote/36541>>.

working of such a society, may yet have to be temporarily suspended when the long-run preservation of that order is itself threatened. Though normally the individuals need be concerned only with their own concrete aims, and in pursuing them will best serve the common welfare, there may temporarily arise circumstances when the preservation of the over-all order becomes the overruling common purpose, and when in consequence the spontaneous order, on a local or national scale, must for a time be converted into an organization. When an external enemy threatens, when rebellion or lawless violence has broken out, or a natural catastrophe requires quick action by whatever means can be secured, powers of compulsory organization, which normally nobody possesses, must be granted to somebody. Like an animal in flight from mortal danger society may in such situations have to suspend temporarily even vital functions on which in the long run its existence depends if it is to escape destruction.

The conditions under which such emergency powers may be granted without creating the danger that they will be retained when the absolute necessity has passed are among the most difficult and important points a constitution must decide on. 'Emergencies' have always been the pretext on which the safeguards of individual liberty have been eroded – and once they are suspended it is not difficult for anyone who has assumed such emergency powers to see to it that the emergency will persist. Indeed if all needs felt by important groups that can be satisfied only by the exercise of dictatorial powers constitute an emergency, every situation is an emergency situation. It has been contended with some plausibility that whoever has the power to proclaim an emergency, and on this ground to suspend any part of the constitution, is the true sovereign. This would seem to be true enough if any person or body were able to arrogate to itself such emergency powers by declaring a state of emergency.<sup>5</sup>

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<sup>5</sup> F A Hayek, *Law, Legislation and Liberty* (University of Chicago Press, 1979) 124-125.

Let me highlight the key sentence from that second paragraph: “Emergencies’ have always been the pretext on which the safeguards of individual liberty have been eroded – and once they are suspended it is not difficult for anyone who has assumed such emergency powers to see to it that the emergency will persist.’

One can see how easy it is for any political leader to milk a crisis for all its worth. The temptation is always there, and that for the simple reason that power is so seductive and so corrupting. Even the best of leaders are not immune from the destructive virus of escalating power grabs.

And we must also beware of good intentions – they easily can serve less than good ends. American essayist and satirist H. L. Mencken (1880-1956) once put it this way: ‘The urge to save humanity is almost always a false-face for the urge to rule it.’<sup>6</sup> Or as the noted economist Milton Friedman (1912-2006) once said: ‘Concentrated power is not rendered harmless by the good intentions of those who create it.’<sup>7</sup>

And some wise words by C. S. Lewis presented in a 1949 essay come to mind here:

Of all tyrannies, a tyranny sincerely exercised for the good of its victims may be the most oppressive. It would be better to live under robber barons than under omnipotent moral busy-bodies. The robber baron’s cruelty may sometimes sleep, his cupidity may at some point be satiated; but those who torment us for our own good will torment us without end for they do so with the approval of their own conscience.<sup>8</sup>

We have seen this occurring far too often during the coronavirus crisis. While some leaders did have good intentions, and did seek to offer a balanced and judicious use of state power on the one hand, while allowing for as much liberty as was sensible on the other, we had too many authorities who seemed to relish their new-found pow-

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<sup>6</sup> H L Mencken, *Minority Report: H. L. Mencken’s Notebooks* (Alfred A Knopf, 1956) 247.

<sup>7</sup> Milton Friedman, *Capitalism and Freedom* (University of Chicago Press, 1962) 201.

<sup>8</sup> C S Lewis, ‘The Humanitarian Theory of Punishment’ in Walter Hooper (ed), *God in the Dock* (Eerdmans, 1978) 292.

ers, and acted like mini dictators. If we need some names here, a few can be highlighted: Michigan Governor Gretchen Whitmer was a classic case in point here, as was the Australian Premier of Victoria, Daniel Andrews. As I write this piece, both jurisdictions are still under various restrictive measures, compared to their neighbours.

Plenty of contemporary commentators have spoken of the dangers inherent in all this. Just a few can be mentioned here. American economist Walter Williams said this: ‘The biggest casualty from the COVID-19 pandemic has nothing to do with the disease. It’s the power we’ve given to politicians and bureaucrats. The question is how we recover our freedoms.’<sup>9</sup>

And British commentator Brendan O’Neill wrote:

Britain is on the brink of the worst recession since the Great Frost of 1709, according to the Bank of England. Others are predicting an utterly unprecedented 13 per cent contraction in national output. Millions will lose their jobs. And that’s just the UK. More than 100 million Indians have lost their jobs as a result of the global contagion of lockdown. Many will be plunged into hunger, and worse. The International Labor Organization says 1.5 billion people around the world are at risk of losing their livelihoods. The halting of economic life and production and transportation could lead to a global ‘hunger catastrophe’, says the UN. I hope the lockdown fanatics think about that next time they post a pic of their latest loaf of sourdough. But they don’t think about it. Not seriously. They treat it as incidental. The economic devastation being wrought in the US, the UK and elsewhere gets a few column inches here and there or is an afterthought in the nightly news. But it is rarely the story. Lockdown fanatics are so convinced of their moral rectitude, so bound up in anti-Covid zealotry, so enjoying their part in the culture of fear and the culture of condemnation against anyone who breaks lockdown, that they

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<sup>9</sup> Walter Williams, ‘Williams: Pandemic affording politicians great powers’ *Toronto Sun*, 25 May 2020. <<https://torontosun.com/opinion/columnists/williams-pandemic-affording-politicians-great-powers>>.

just zone out the terrible things that they are helping to bring about. Or, worse, they engage in a political sleight of hand. They say job losses, rising mental-health problems, lack of money and a global downturn that will hit the poor severely are also down to Covid. 'Covid-19 is giving rise to economic problems, too', they occasionally say. No. We cannot allow this. It is not Covid that is destroying livelihoods and liberties – it is our societies' historically unprecedented, ill-thought-through, contagion-like authoritarian response to Covid; it is lockdown fanaticism. They need to take some responsibility. Covid can be excused; it's a virus. The lockdown fanatics cannot be excused. Their extremism is hampering sensible government action, stymieing open public debate, and nurturing economic catastrophe. They must be held to account. More than that, they must be opposed. We need a return to reason, freedom and productivity.<sup>10</sup>

Another English author, Peter Hitchens put it this way:

It has not been much fun fighting this. In fact, it has been exhausting and dispiriting. I feel as if I am in a nightmare where I can see a terrible danger approaching but when I cry out in warning, nobody can hear me. Can't you see? I yell in the dream. If you don't defend your most basic freedom, the one to go lawfully where you wish when you wish, then you will lose it for ever.

And that is not all you will lose. Look at the censorship of the internet, spreading like a great dark blot, the death of Parliament, the conversion of the police into a state militia? Aren't you alarmed by the creation of a creepy cult of state-worship, celebrated every Thursday night – in a country where church services and normal public gatherings are banned? When did you last hear an anti-government voice on the BBC, now little more than a servile state broadcaster?

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<sup>10</sup> Brendan O'Neill, 'Lockdown fanatics scare me far more than Covid-19' *Spiked* 2020. <<https://www.spiked-online.com/2020/05/08/lockdown-fanatics-scare-me-far-more-than-covid-19/>>.



## CORONA, CULTURE, CAESAR AND CHRIST

And then can you not see the strangling of the prosperity on which everything we hold dear is based? I mentioned the other day to a hard-working small business owner that a shop well known to me was down to ten per cent of its normal takings. ‘Lucky him!’ exclaimed the businessman, ‘I have had no income at all for weeks, and I have no hope of any. But I am still having to pay my rent and power bills, and interest on my loans.’<sup>11</sup>

### III RISK ASSESSMENT AND MANAGEMENT

If people are not familiar with the term ‘actuary’ they should be. While specifically referring to those in the insurance industry who calculate insurance risks and premiums, the term can have a broader usage. Life itself is always about trade-offs. When you go to a restaurant – perhaps especially somewhere overseas – you take a risk of possibly getting food poisoning. When you fly somewhere, there is always the risk of a plane crash. Nuclear power stations may be good at generating much-needed energy, but some consider them to be too risky. Having numerous cameras mounted throughout public areas can be good in monitoring criminal activities, but there is the risk that this can lead to an unwanted police state.

Life is like that. There are no guarantees, and everything has its risks. So we speak about things like cost-benefit analysis. We try to weigh up the possible risks and costs of any given course of action to see if the benefits are worth it. Governments have to do this all the time. Consider just one area, already hinted at: Should governments go ahead with nuclear power plants? Should they stick with coal-fired generators? Should they put all their efforts into things like wind farms?

Life is risky. Every time we step outside, we risk possible death: We might get hit by a truck; a tree might fall on us; we might get

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<sup>11</sup> Peter Hitchens, ‘PETER HITCHENS: We’re destroying the nation’s wealth – and the health of millions’ *Daily Mail*, 2 May 2020. <[hitchensblog.mailonsunday.co.uk/2020/05/peter-hitchens-were-destroying-the-nations-wealth-and-the-health-of-millions.html](https://hitchensblog.mailonsunday.co.uk/2020/05/peter-hitchens-were-destroying-the-nations-wealth-and-the-health-of-millions.html)>.

## FUNDAMENTAL RIGHTS IN THE AGE OF COVID-19

struck by lightning; someone might take us out in a drive-by shooting. Sure, some of these risks may be much less likely than others, but life is inherently risky. The question is, what risks are we willing to live with?

Taking the car to work which might result in a person getting in an accident is seen as a necessary risk in order to earn money to feed the family. Other risks are more a matter of personal choice. Some folks may love to go rock climbing, but there is always the risk of a fatal fall. One does not have to go rock climbing, but one does need to earn a living.

And bear in mind that risk assessment changes over time – partly as our knowledge increases. My dad was a house painter and early on he and other painters almost always used lead-based paint. It was quite good paint because the lead sped up the drying process, it was durable, and so on. But after a while we learned about the dangers of toxicity in lead, so now you cannot easily buy it– not in the West at any rate. The same with asbestos. It was once widely used in building materials because it added strength and was great as a fire retardant. But then later we learned about its negative cancer-causing properties, so it was banned from use in many countries.

Conditions can also change. When I was young, I played outside, often a long way from home. We mostly kept our house and car doors unlocked, as few people back then worried much about crimes like child abuse, home break-ins, and so on. Things have changed and the risks have gone up. So in my hometown – and elsewhere – parents now keep a much closer eye on their children, houses are locked, and so on.

A wise person will seek to minimise risk – but within reason. If we banned all cars in Australia, we would of course then have zero car accidents and fatalities. But most people would say that the price is far too high to pay for this. So as always, we deal with trade-offs. But there have always been some who seem to think that we must work to eliminate most, if not all, risk – no matter how costly this might be. Some governments seek to do this in various areas. And now with the corona crisis we see more of the same in play.

## CORONA, CULTURE, CAESAR AND CHRIST

The cost and benefit assessment is obvious here: On the one hand, we want to keep people safe and keep the virus from spreading. But on the other hand, we also do not want to shut down the nation, utterly destroy the economy, and effectively take away all of our freedoms. Some sort of balance is needed.

How much government intervention is necessary, wise and helpful? How much is too much? How many liberties should we surrender, and for how long? When does the cure become worse than the disease? Yes, some infringements of individual liberties will be needed, and some strict state measures will be necessary – at least for a while. But we also must be concerned about government overreach, statist overkill, overzealous policing, and far too many draconian measures being implemented with far too many freedoms being taken away.

Again, we are talking about risk, and weighing up options. So how do we decide which way to go? Nearly four decades ago an important book was written dealing with these matters in general. I refer to the 1983 volume by Mary Douglas and Aaron Wildavsky, *Risk and Culture*. The authors discuss the issue of risk in the context of environmental protection versus technological development. But their discussion can just as readily be applied to the coronavirus crisis. Let me simply quote their opening paragraph to see how it ties in here:

Can we know the risks we face, now or in the future? No, we cannot; but yes, we must act as if we do. Some dangers are unknown; others are known, but not by us because no one person can know everything. Most people cannot be aware of most dangers at most times. Hence, no one can calculate precisely the total risk to be faced. How, then, do people decide which risks to take and which to ignore? On what basis are certain dangers guarded against and others relegated to secondary status?<sup>12</sup>

Many will say at this point that we simply must trust the experts.

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<sup>12</sup> Mary Douglas and Aaron Wildavsky, *Risk and Culture* (University of California Press, 1983) 1.

But of course, what happens when the experts get it wrong, or when they disagree amongst themselves? Then who do we believe? Politicians also have to listen to the various “experts” and decide the best policy options. But it is not just medical or scientific facts gleaned from others that can sway them. Their own political and ideological commitments will also come into play.

### IV PROGRESS AND PERFECTABILITY

Related to the above is how we understand the ideal society and the best sort of government. Political philosophy deals with such matters, but it is based on an even more important foundational matter: how we understand and assess human nature. How we think about things like personhood and humanity will colour our thoughts on preferred public policy options and political choices.

Some views of human nature stress the malleability and even the perfectibility of the person. The thought is that if we apply the right social conditions, we can create the right sort of people. Karl Marx basically ran with this view, as did philosophers such as Jean-Jacques Rousseau. Much of this sprang from Enlightenment notions of progress and perfectibility which have in many ways become a defining feature of modernity. As modern science increased expectations, as modern medical advances have extended our lifespan, and as more recent bio-medical technologies promise a brave new world of possibilities (or a new eugenics as some have warned),<sup>13</sup> the notions of personhood, suffering and limitation have been altered dramatically.

Whereas most of mankind throughout most of human history have accepted the fact that life is ‘poor, nasty, brutish, and short’, to use Hobbes’s phrase,<sup>14</sup> advances in science, medicine, technology and other areas have resulted in a redefinition of what it is to be human, and have altered our expectations immeasurably. Several hundred years ago most people accepted that life was full of suffering and woe, and

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<sup>13</sup> See for example the essay by Richard John Neuhaus, ‘The Return of Eugenics’ *Commentary* (1988) April, 15-26.

<sup>14</sup> Thomas Hobbes, *Leviathan* (Oxford University Press, 1998) 84.

death was in fact sometimes welcomed as relief from the drudgery, hardship and tedium of day to day living. The ordinariness and harshness of daily life, coupled with the belief in a much better afterlife, meant that for many people, suffering, privation and misery were both bearable and acceptable.

But with the advances of modernity much of this has changed, and suffering is now seen as something to be eliminated, instead of something to be endured, even welcomed. Whereas suffering (from whatever cause) was once seen at best as a gift from God, or at worse, as a cross to bear,<sup>15</sup> today suffering in almost any form is a thing to be avoided altogether. And the more promises modern technology makes concerning the alleviation of misery and suffering, the higher our expectations grow.

Years ago, C S Lewis contrasted the wisdom of earlier ages with the modern technological vision. In his vitally important – and prescient – volume, *The Abolition of Man*, he said this: ‘The serious magical endeavour and the serious scientific endeavour are twins: one was sickly and died, the other strong and thrived. But they were twins. They were born of the same impulse.’<sup>16</sup> He continued:

There is something which unites magic and applied science while separating both from the wisdom of earlier ages. For the wise men of old the cardinal problem had been how to conform the soul to reality, and the solution had been knowledge, self-discipline, and virtue. For magic and applied science alike the problem is how to subdue reality to the wishes of men: the solution is a technique; and both, in the practice of this technique, are ready to do things hitherto regarded as disgusting and impious — such as digging up and mutilating the dead. . . . The true object is to extend Man’s power to the performance of all things possible. He rejects magic because it does not work; but his goal is that of the magician.<sup>17</sup>

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<sup>15</sup> The two ideas are by no means incompatible from a Christian viewpoint.

<sup>16</sup> C S Lewis, *The Abolition of Man* (Macmillan, 1976) 87.

<sup>17</sup> Ibid 87-89.

Briefly stated, the theocentric worldview of the pre-modern period was replaced by an anthropocentric worldview of modernism. Man was seen as the measure of all things in the Enlightenment. Man by himself, guided by human reason alone, would scale every mountain and solve every mystery. Some well-known quotes can be offered here:

Enlightenment essayist Alexander Pope expressed these concepts this way: 'Know then thyself. Seek not God to scan. The proper study of mankind is man.' Education, knowledge, and especially science, would save the day.<sup>18</sup> Pope again: 'Nature and nature's laws lay wrapped in night. God said 'Let Newton be!' and all was light.'<sup>19</sup> The French Enlightenment humanist, Nicolas de Condorcet, proudly put it this way: 'No bounds have been fixed to the improvement of the human race. The perfectibility of man is absolutely infinite.' Or as Francis Bacon put it, 'Conquer nature, relieve man's estate.'<sup>20</sup> Again, more recently, Bertrand Russell was to confidently exclaim, 'What science cannot tell us, mankind cannot know.'

Medical ethicist Daniel Callahan, in his volume on end of life health care, examines this shift in thinking, and discusses how modernism has elevated science and medicine to divine proportions. He is well worth quoting:

Medicine is perhaps the last and purest bastion of Enlightenment dreams, tying together reason, science, and the dream of unlimited human possibilities. There is nothing, it is held, that in principle cannot be done and, given suitable caution, little that ought not to be done. Nature, including the body, is seen as infinitely manipulable and plastic to human contrivance. When that conception of medicine is set in a social context of an individualism which is, in principle, opposed

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<sup>18</sup> Cited in Barry L Callen, *Discerning the Divine: God in Christian Theology* (John Knox Press, 2004) 86.

<sup>19</sup> Cited in Roger E Olson, *The Mosaic of Christian Belief: Twenty Centuries of Unity and Diversity* (InterVarsity Press, 2<sup>nd</sup> ed, 2016) 172.

<sup>20</sup> Cited in Roger Masters, *The Nature of Politics* (Yale University Press, 1989) 147.

to a public consensus about any ultimate human good, it is a potent engine of endless, never-satisfied progress.<sup>21</sup>

I did mention eugenics just above. Much more could be said about this in relation to the push for perfection. Just one quote however is worth sharing here:

If the fear of being swamped by biological defectives was a powerful motivator for eugenisists, the hope of achieving biological perfection was equally inspiring. The eugenisists' naïve faith in modern science spawned a virulent utopianism. Dressed up in quasi-religious terminology, the eugenisists faith promised to create heaven on earth through the magic of human breeding. The utopian vision had been a key part of the eugenisists crusade from its inception. Francis Galton had promoted the goal of "gradually raising the present miserably low standard of the human race to one in which the Utopias in the dreamland of philanthropists may become practical possibilities."<sup>22</sup>

To help flesh out this notion of perfection a bit more, two important works (of many possible) can be briefly mentioned. American sociologist Robert Nisbet wrote a number of important works, many of which bear on this issue. One book in particular is well worth mentioning. His 1980 volume, *History of the Idea of Progress*, does a careful job of tracing this concept of progress. Several clear themes emerge from his incisive study. First, the idea of progress has been around for most of human history. Second, the idea of progress has been closely entwined with religious belief. Third, the idea of progress took a decidedly secular turn from the eighteenth century and beyond.<sup>23</sup>

In an equally ambitious and scholarly work, Australian philosopher John Passmore has traced the 300-year history of the concept of human perfectibility. His 1970 *The Perfectibility of Man*<sup>24</sup> is a lucid and

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<sup>21</sup> Daniel Callahan, *Setting Limits: Medical Goals in an Aging Society* (Simon and Schuster, 1987) 60-61.

<sup>22</sup> John West, *Darwin Day in America* (ISI Books, 2007) 132.

<sup>23</sup> Robert Nisbet, *History of the Idea of Progress* (Basic Books, 1980).

<sup>24</sup> John Passmore, *The Perfectibility of Man* (Charles Scribner's Sons, 1970).

cogent discussion of the perennial attempt to not just better the human condition but to bring some form of utopia to earth. While Passmore describes a number of versions of perfectibility, from religious to secular, for our purposes, his later chapters on scientific progress, genetic and governmental perfectibility, social engineers like Marx, and other various personal and social utopians dovetail nicely with the insights of Nisbet. Both describe the yearning of the human heart to overcome obstacles, to better the human condition, and to solve every problem.<sup>25</sup>

While all this may seem a bit esoteric, or perhaps even off-topic, it does indeed figure into our discussion of government responses to corona. Some leaders, officials, bureaucrats and politicians have pushed the view that in order to fully protect humans, we must be willing to radically curtail social interaction and restrict various freedoms – until things are “safe.”

The trade-offs discussed above were rather evident for these leaders: increased government control coupled with diminished individual freedoms must be the preferred option. What some have referred to as a police state regime was seen to the preferable option – much better than being too lax on a killer virus.

And we saw this played out quite clearly along political and ideological lines. For example, those cities and states that were the most restrictive, the harshest in lockdown measures, and the slowest to undo those restrictions, overwhelmingly tended to be run by those of the political left. That was largely true of Democrat mayors and governors in America, and Labor premiers in Australia.

These policies reflect two different types of views of humanity, the social order, and the public good. To use the thought of American economist Thomas Sowell, we have major differing visions at play here. Sowell has penned many dozens of first-rate books, but three volumes especially worth briefly mentioning are these: *A Conflict of*

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<sup>25</sup> Along these lines, two other important works worth consulting are Thomas Molnar’s *Utopia: The Perennial Heresy* (Sheed and Ward, 1967) and Michael Sandel’s *The Case Against Perfection* (Harvard University Press, 2007).



*Visions*;<sup>26</sup> *The Vision of the Anointed*;<sup>27</sup> and *The Quest for Cosmic Justice*.<sup>28</sup>

Sowell argues that the left and right side of politics operate from fundamentally different premises. These premises really amount to differing worldviews, with differing ways of looking at the world, man, his predicament, and possible solutions. Thus the foundation, or vision, on which political ideas are built is hugely important.

The two main visions Sowell discusses are what he calls the constrained and the unconstrained visions. The constrained vision (the conservative worldview) acknowledges that there are limits. There are limits to human nature, limits to what governments can do, limits to what can be achieved in a society. The unconstrained vision (the radical or leftist worldview) tends to downplay limits. Mankind is seen as more or less perfectible; social and political utopia is to a large extent achievable; and evil is not endemic or inherent in the human condition, and therefore is able to be mostly eliminated.

The conservative vision tends to reflect the Judeo-Christian understanding that mankind is fallen, is limited, is prone to sin and self, and cannot produce heaven on earth, at least without the help of God. The left-liberal vision, by contrast, tends to see the human condition as innocent, malleable and perfectible, and tends to think that utopia on earth is achievable under the right social conditions.

Edmund Burke may best exemplify the former vision, and the American Revolution one of its main fruit. Rousseau may best exemplify the latter vision, with the French Revolution a key expression of it. Prudence and caution describe the first; radicalism and change the second. But these big picture themes have been discussed by others. What is of help is when Sowell provides specific examples of how these competing visions play themselves out in the social, political and economic arenas.

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<sup>26</sup> Thomas Sowell, *A Conflict of Visions* (William Morrow, 1987).

<sup>27</sup> Thomas Sowell, *The Vision of the Anointed* (BasicBooks, 1995).

<sup>28</sup> Thomas Sowell, *The Quest for Cosmic Justice* (Simon & Schuster, 1999).

In *The Vision of the Anointed* Sowell puts it this way:

[T]he vision of the anointed is not simply a vision of the world and its functioning in a causal sense, but is also a vision of themselves and of their moral role in the world. It is a vision of differential rectitude. It is not a vision of the tragedy of the human condition: Problems exist because others are not as wise or as virtuous as the anointed.

The great ideological crusades of twentieth-century intellectuals have ranged across the most disparate fields... What all these highly disparate crusades have in common is their moral exaltation of the anointed above others, who are to have their very different views nullified and superseded by the views of the anointed, imposed via the power of government. Despite the great variety of issues in a series of crusading movements among the intelligentsia during the twentieth century, several key elements have been common to most of them:

- Assertions of a great danger to the whole society, a danger to which the masses of people are oblivious.
- An urgent need for action to avert impending catastrophe.
- A need for government to drastically curtail the dangerous behaviour of the many, in response to the prescient conclusions of the few.
- A disdainful dismissal of arguments to the contrary as either uninformed, irresponsible, or motivated by unworthy purposes.<sup>29</sup>

One can immediately see how the coronavirus responses fit in here. Indeed, we find similar things with the issue of climate change. Many on the left have taken this view: “We are all doomed, and the government must act NOW to solve all our problems.” And if to save the climate the government must trample on our freedoms and punish dissenters, then so be it. Saving the planet trumps mere human liberties and freedoms. As if paying higher taxes to the government will somehow change the climate!

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<sup>29</sup> Thomas Sowell, *The Vision of the Anointed* (BasicBooks, 1995) 5.

The same here with coronavirus: it appears that leftist politicians expect us to obey the state in all things; to not ask any hard questions; to be willing to surrender our freedoms for the good of ‘society’; and above all, to simply follow orders. We certainly saw this played out massively throughout the crisis. How many people turned on their own neighbours, snitching on them, and reporting them to the authorities? The numbers were really quite frightening. Consider just one media report during the height of Australia’s crisis:

More than 600 calls a day are flooding into the state’s crime reporting hotline as Victorians rush to dob in neighbours who flout COVID-19 social-distancing rules. Victoria Police has seen calls to the relatively new police assistance line spike by 50 per cent in recent weeks, with people increasingly phoning to report mass gatherings and isolation breaches. The onslaught of calls has led police to employ more civilian staff, as wait times blow out to more than 15 minutes. Calls to the hotline doubled to 1442 on March 30, a day after hundreds of beachgoers flocked to Point Addis on the Surf Coast. Of the 22,500 COVID-19 related calls made to the hotline in the last fortnight, 3781 were to report mass gatherings, 2117 for isolation breaches and 1770 for business breaches.

On Tuesday, 4500 calls were made to the line. Of those, 2350 were related to COVID-19. In February the hotline recorded close to 61,000 calls, which rose to a record 69,000 in March. Police said the rise was directly related to an influx of coronavirus-related calls. During the first seven days in April, the hotline has received more than 22,000 calls, putting April on track to exceed more than 80,000 reports.<sup>30</sup>

One recalls the shocking scenarios found so often in the former Soviet Union and eastern Europe where neighbour turned on neigh-

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<sup>30</sup> Erin Pearson, ‘Police hotline swamped with COVID-19 calls as Victorians dob in neighbours’ *The Age*, 2020. <<https://www.theage.com.au/national/victoria/police-hotline-swamped-with-covid-19-calls-as-victorians-dob-in-neighbours-20200408-p54i5g.html>>.

bour, and even children turned on their own parents. Those sorts of scenes were replayed before our very eyes over the past few months in the West.

### V THE ILLUSION OF SAFETY

All of the above can be seen in how so many adhered to the illusion and delusion of complete safety – for individuals and for societies as a whole. Far too many leaders and citizens seemed to prefer unlimited lockdowns and restrictions on freedom until safety was guaranteed – as if that is ever possible, or desirable. How often did we hear both politicians and the masses calling out those who questioned the severe lockdown strategies as ‘grandmother killers’ and the like?

As one commentator put it, ‘It’s not the government’s job to protect my health. It’s the government’s job to protect my rights. It’s my job to protect my health. When you trade liberty for safety you end up losing both’ – attributed to Professor Jamie Lynn (but I am still trying to track down the actual source). It follows on from the famous quote of Benjamin Franklin: ‘Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety.’<sup>31</sup>

American commentator Dennis Prager spoke often and eloquently about the corona crisis and reactionary state overreach. He did numerous broadcasts and penned numerous articles, warning about the direction America was heading in all this. On the issue of safety and state responses, his short but cogent remark was right on the money: “‘Until It’s Safe’ Means Never.”<sup>32</sup>

We never will have a completely safe and foolproof world to live in. Such a thing does not and cannot exist. We live in the real world where risks are all around us. Yes, individuals can do all they want in their vain search for a completely safe life: they can never go out-

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<sup>31</sup> Benjamin Franklin, ‘Pennsylvania Assembly: Rely to the Governor – November 11, 1755’, in Leonard W. Labaree (ed.), *The Papers of Benjamin Franklin, Volume 6* (Yale University Press, 1963) 242.

<sup>32</sup> Dennis Prager, ‘Ep. 132 — “Until It’s Safe” Means Never’ *PragerU* 2020. <<https://www.prageru.com/video/ep-132-until-its-safe-means-never/>>.

doors; they try to be totally self-sufficient and can grow their own food; they can refuse all visitors and contact with the outside world; they can seek to eliminate all risks; and so on. In other words, they can move out into the middle of a desert or into a cave and see how that works for them. If a virus does not get them, a snakebite might.

But for the rest of us, as well as for governments, we need to think sensibly and critically about how much safety we want or can expect, and at what cost. Indeed, the wise words of Sowell are again worth mentioning here. His reference to leftists is applicable to all leaders and politicians:

There are three questions that will destroy most of the arguments on the Left:

- *Compared to what?*
- *At what cost?*
- *What hard evidence do you have?*

There are very few ideas on the left that can pass all three of those kinds of things.<sup>33</sup>

Those first two questions were not asked enough during the coronavirus crisis. And too often it seems that the last question was dodged or evaded. Many leaders and people simply ran on fear and emotion, and ignored the facts and evidence. And very early on it was becoming quite clear that coronavirus was nowhere near as dangerous as first predicted. Indeed, the experts and their various models and forecasts proved to be wildly off. The very draconian shutting down of nations was based on what was often extremely faulty and panicky information.

Indeed, I recall a discussion I had online with an Australian academic when this first became a matter of concern. I suggested that this was not looking to be very bad, at least here in Australia. He strongly rejected my more sanguine views, and actually stated that it is quite

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<sup>33</sup> Thomas Sowell, 'The Difference Between Liberal and Conservative' *YouTube*, 2010. <<https://www.youtube.com/watch?v=5KHdhrNhh88>>.

## FUNDAMENTAL RIGHTS IN THE AGE OF COVID-19

likely that Australia would experience a million deaths because of coronavirus. The actual numbers, as of the time of this writing (July 14) are 10,250 confirmed cases, 108 deaths, and a 98.63 per cent recovery rate.<sup>34</sup>

It is a very long way from 108 deaths to one million. But this fellow was absolutely convinced, as were so many others, that Armageddon was just around the corner. And to deal with this fear and panic, so many leaders were willing to entirely shut down whole nations, with all the negative repercussions that such moves would of course bring: recessions, massive unemployment, and record numbers of job losses and all that goes with it: depression, mental health problems, suicide, and so on. Indeed, I often told those who were critical of my calls to ease the lockdowns that all lives matter. I pointed out various inconvenient truths, including this very sad fact: during the American Great Depression some 40,000 Americans took their own lives – and that just in 1937-38. The truth is, fatalities by suicide are just as important and just as much to be avoided as fatalities due to a virus.<sup>35</sup>

Numerous reports about suicide brought on by the lockdowns have been reported. As just one of them has said:

The costs of the government responses to the 2020 COVID-19 pandemic have been severe. New evidence suggests they could be even worse than we imagined. An ABC affiliate in California reports that doctors at John Muir Medical Center tell them they have seen more deaths by suicide than COVID-19 during the quarantine. ‘The numbers are unprecedented,’ said Dr. Michael deBoisblanc, referring to the spike in suicides. ‘We’ve never seen numbers like this, in such a short period of time,’ deBoisblanc added. ‘I mean we’ve seen a year’s worth of suicide attempts in the last four weeks.’ Kacey Hansen, a trauma nurse who has spent 33 years at the hospital, said she has never witnessed self-inflicted attacks

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<sup>34</sup> <<https://www.worldometers.info/coronavirus/country/australia/>>.

<sup>35</sup> Elizabeth MacBride, ‘Suicide and the Economy’ *The Atlantic*, 26 September 2013 <<https://www.theatlantic.com/health/archive/2013/09/suicide-and-the-economy/279961/>>

on such a scale. ‘What I have seen recently, I have never seen before,’ Hansen said. ‘I have never seen so much intentional injury.’<sup>36</sup>

The Australian situation is similar. The Australian Medical Association for example has said that as a result of these draconian lockdown measures and the resultant negative impact on the economy there will be an additional 750 to 1,500 suicides per year: ‘We are facing a situation where between an extra 750 and 1500 more suicides may occur annually, in addition to the 3000 plus lives that are lost to suicide already every year.’<sup>37</sup>

But so many refused to listen to us as we warned about the very bad outcomes of these excessive restrictions and lockdown measures. We were told we do not care about life, that we were putting profit ahead of people, and that we were heartless grandma killers. I heard all this far too often.

So the projections and the guesstimates and the gloom and doom prognostications turned out to be way off. But I have yet to hear one apology from anyone making or promoting these false figures and reckless ruminations. But of course it is not just our leaders and politicians who can be faulted here. A major crisis can easily drive the masses into panic, fear, and hysteria, and they far too readily will then renounce their freedoms and hand the state a blank cheque to do as it likes – so long as it somehow guarantees their safety. They are far too easily turned into willing sheep who will do their masters’ every bidding.

This has also been a clear lesson of history. Simply consider our recent tyrants, be they Joseph Stalin or Adolf Hitler or Mao Tse-tung

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<sup>36</sup> Jon Miltimore, ‘A Year’s Worth of Suicide Attempts in Four Weeks’: The Unintended Consequences of COVID-19 Lockdowns’ *Foundation for Economic Freedom*, 2020 <<https://fee.org/articles/a-years-worth-of-suicide-attempts-in-four-weeks-the-unintended-consequences-of-covid-19-lockdowns/>>.

<sup>37</sup> Dr Tony Bartone et al, ‘Joint Statement: Covid-19 Impact Likely to Lead to Increased Rates of Suicide and Mental Illness’ *Australian Medical Association*, 2020 <<https://ama.com.au/media/joint-statement-covid-19-impact-likely-lead-increased-rates-suicide-and-mental-illness>>.

or Kim Jong-un: they have maintained total control over the masses by keeping them in a steady state of fear and uncertainty. Let me draw upon several articles here. One piece from a law professor says this:

Thomas Jefferson is reported to have said: “When government fears the people, there is liberty. When the people fear the government, there is tyranny.” I have investigated and prosecuted dictators and their henchmen for most of my professional life. I have studied their lives, personalities, their rise to power and how they governed once achieving that power. The one common theme in their theories of governance is fear. It is easier to govern and dictate to citizens through fear.

As Hannah Arendt wrote in her book, *The Origins of Totalitarianism*: ‘A fundamental difference between modern dictatorships and all other tyrannies of the past is that terror is no longer used as a means to exterminate and frighten opponents, but as an instrument to rule masses of people who are perfectly obedient.’ The infamous dictators of the twentieth century, such as Stalin, Hitler, and Mao Tse-tung among others, understood this all too well. Their theory was that a frightened populace will allow their government to take drastic measures to protect them without protest, usually from perceived evil that threatens their society or country externally.<sup>38</sup>

That does sound familiar, doesn’t it? Another article on political philosophy says this in part:

Ruling classes for thousands of years have understood the power of intentionally invoking fear in their subjects as a means of social control. . . . The artificial construction and maintenance of fear in a population by a ruling class has remained pervasive from the time of Ancient Egypt up until the modern day. Oppressive governments often maintain their grip on a nation by continually invoking fear, and then pro-

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<sup>38</sup> David Crane, ‘Fear – A Dictator’s Tool’ *Jurist*, 29 January 2019 <[www.jurist.org/commentary/2019/01/fear-a-dictators-tool/](http://www.jurist.org/commentary/2019/01/fear-a-dictators-tool/)>.



ceeding to claim that only they, the ruling powers, have the means and ability to protect the population from such a threat: “The whole aim of practical politics”, wrote HL Mencken, ‘is to keep the populace alarmed (and hence clamorous to be led to safety) by menacing it with an endless series of hobgoblins, most of them imaginary.’<sup>39</sup>

Another authority can be appealed to here. The French political writer and historian Alexis de Tocqueville released his important two-volume work *Democracy in America* in 1835 and 1840. In a chapter on “Types of Despotism” he famously said this:

After having thus taken each individual one by one into its powerful hands, and having molded him as it pleases, the sovereign power extends its arms over the entire society; it covers the surface of society with a network of small, complicated, minute, and uniform rules, which the most original minds and the most vigorous souls cannot break through to go beyond the crowd; it does not break wills, but it softens them, bends them and directs them; it rarely forces action, but it constantly opposes your acting; it does not destroy, it prevents birth; it does not tyrannize, it hinders, it represses, it enervates, it extinguishes, it stupefies, and finally it reduces each nation to being nothing more than a flock of timid and industrious animals, of which the government is the shepherd.<sup>40</sup>

Indeed, the State is my shepherd, I shall not want... Also, a former judge from the UK has also warned about the dangers of a slide into a police state because of paranoia, fearmongering and panic. As one important interview said in part:

The former Supreme Court Justice Jonathan Sumption, QC, has denounced the police response to the coronavirus, saying the country is suffering ‘collective hysteria’. Here is part of

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<sup>39</sup> ‘Fear and Social Control’ *Academy of Ideas*, 29 November 2015 <[academyofideas.com/2015/11/fear-and-social-control/](http://academyofideas.com/2015/11/fear-and-social-control/)>.

<sup>40</sup> Alexis de Tocqueville, *Democracy in America*, as accessed here: <[https://www.academia.edu/10431803/Tocqueville\\_Democracy\\_in\\_America\\_1835\\_](https://www.academia.edu/10431803/Tocqueville_Democracy_in_America_1835_)>.

an interview he was involved in from late March:

BBC interviewer Jonny Dymond 'A hysterical slide into a police state. A shameful police force intruding with scant regard to common sense or tradition. An irrational overreaction driven by fear.' These are not the accusations of wild-eyed campaigners, they come from the lips of one of our most eminent jurists Lord Sumption, former Justice of the Supreme Court. I spoke to him just before we came on air.

Lord Sumption The real problem is that when human societies lose their freedom, it's not usually because tyrants have taken it away. It's usually because people willingly surrender their freedom in return for protection against some external threat. And the threat is usually a real threat but usually exaggerated. That's what I fear we are seeing now. The pressure on politicians has come from the public. They want action. They don't pause to ask whether the action will work. They don't ask themselves whether the cost will be worth paying. They want action anyway. And anyone who has studied history will recognise here the classic symptoms of collective hysteria. Hysteria is infectious. We are working ourselves up into a lather in which we exaggerate the threat and stop asking ourselves whether the cure may be worse than the disease.

Dymond At a time like this, as you acknowledge, citizens do look to the state for protection, for assistance, we shouldn't be surprised then if the state takes on new powers if it responds. That is what it has been asked to do, almost demanded of it.

Sumption Yes that is absolutely true. We should not be surprised. But we have to recognise that this is how societies become despotisms. And we also have to recognise this is a process which leads naturally to exaggeration. The symptoms of coronavirus are clearly serious for those with other significant medical conditions, especially if they're old. There are exceptional cases in which young people have been struck down, which have had a lot of publicity, but the numbers are pretty small. The Italian evidence, for instance, suggests that

only in 12 per cent of deaths is it possible to say coronavirus was the main cause of death. So yes this is serious and yes it's understandable that people cry out to the government. But the real question is: is this serious enough to warrant putting most of our population into house imprisonment, wrecking our economy for an indefinite period, destroying businesses that honest and hardworking people have taken years to build up, saddling future generations with debt, depression, stress, heart attacks, suicides and unbelievable distress inflicted on millions of people who are not especially vulnerable and will suffer only mild symptoms or none at all, like the Health Secretary and the Prime Minister.<sup>41</sup>

And progressive politicians have even sought to enact rights against fear. As Dinesh D'Souza reminds us in his new book on socialism, Franklin Delano Roosevelt called for this very thing – “freedom from fear” – in his famous January 1944 speech: ‘Yes, freedom from fear. We have a right not to be afraid. And who can deliver that right? For FDR, there was only one answer to this question: the federal government. So in FDR’s vision, the government, previously viewed by the founders as inimical to rights, now becomes the friend and guarantor of rights.’<sup>42</sup>

Finally, Georgetown University professor Joshua Mitchell nicely ties all this together. He argues that our search for complete safety, the eradication of fear, and perfectibility in a corona world is really a secular Great Awakening. It is a counterfeit – and political – redemption story:

Identity politics is an American Awakening without God and without forgiveness. Like Christianity, it seeks to overcome the curse of death. Like Christianity, it seeks to overcome sin. Like Christianity, it recognizes that the problem of sin is deeper than the problem of death, and has precedence over it.

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<sup>41</sup> ‘Former Supreme Court Justice: “This is what a police state is like”’ *The Spectator*, 30 March 2020 <<https://www.spectator.co.uk/article/former-supreme-court-justice-this-is-what-a-police-state-is-like->>.

<sup>42</sup> Dinesh D'Souza, *United States of Socialism* (All Points Books, 2020) 89.

Identity politics does not overcome death, as Christianity does, through faith in Christ, so that man may again have eternal life as he did in the Garden of Eden. Identity politics overcomes death by attempting to build an Edenic world protected from death. Augustine wrote that all reasonable beings understandably shrink from death. But that is not what is happening here. Citizens captivated by identity politics quarantine so that they may remain isolated from death until a vaccine arrives that will inoculate them from death. In the interim, they are content to be served by the least among us, service industry workers who cannot quarantine. This is not medical science doing triage in a world where death is always near; it is a religious longing to be saved from death, no matter the collateral damage done to the livelihoods of millions along the way.<sup>43</sup>

### VI RELIGIOUS LIBERTY AND SOME CONCLUDING THEOLOGICAL REFLECTIONS

The numerous clampdowns on individual freedoms, including religious liberties, during the coronavirus crisis, have again raised questions about the role of the state, the place of religion, and the nature of individual liberty. Church closures were just one aspect of all this. A number of important questions arise here:

- *How much can individual and/or organisational liberties be curtailed in the interests of public health and safety?*
- *Just what is an essential service? Are shopping malls? Abortion providers? Gun shops? Churches? Barbers?*
- *Are pastors being wise to defy these state orders? Are they putting their people at risk?*
- *Can reasonable alternate provision of such services take place? Does a virtual church service suffice – at least for a while?*
- *What happens when a right to freedom of worship clashes with*

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<sup>43</sup> Joshua Mitchell, 'A Godless Great Awakening' *First Things*, 2 July 2020 <<https://www.firstthings.com/web-exclusives/2020/07/a-godless-great-awakening>>.

*other rights, such as the right to be safe, and protected from infectious diseases?*

*- How far can states go in shutting down economies and curtailing basic freedoms in the name of keeping the public safe?*

Indeed, many critics rightly asked why crowds could go to hardware stores or Kmart's or, more recently, protest marches, but could not go to church services. They also asked why things like abortion clinics were still open for business while church services were deemed to be non-essential activities.

But religious freedoms are not an absolute, and there will be trade-offs with other community concerns. Sometimes religious beliefs and practices do conflict with the common good. I have in mind, for example, things like the tragic case reported some years ago of a Sydney woman and her unborn baby who died because she refused a blood transfusion.<sup>44</sup>

The woman was a Jehovah's Witness. This heterodox group, which began in the US during the mid-nineteenth century, denies many orthodox biblical teachings, such as the Trinity and the deity of Christ. But it also believes, because of faulty hermeneutics, that it is sinful to receive a blood transfusion. It all comes from a faulty understanding of passages such as Leviticus 17:10-14.<sup>45</sup>

We have had a number of cases of Jehovah's Witnesses dying over the years because of this erroneous belief about blood transfusions. If a patient chooses to refuse life-saving medical treatment, that is up to them. But when a second party – who often cannot give his or her consent – also faces death as a result, that is quite a different matter.

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<sup>44</sup> Amy Corderoy, 'Pregnant Jehovah's Witness' decision to refuse treatment "harrowing" for hospital staff after mother and baby die' *Sydney Morning Herald*, 6 April 2015 <<https://www.smh.com.au/national/nsw/pregnant-jehovahs-witness-decision-to-refuse-treatment-harrowing-for-hospital-staff-after-mother-and-baby-die-20150406-1mf570.html>>.

<sup>45</sup> Bill Muehlenberg, 'Hermeneutics and Blood Transfusions' *CultureWatch*, 9 April 2015. <<https://billmuehlenberg.com/2015/04/09/hermeneutics-and-blood-transfusions/>>.

Then the state may need to intervene, and some religious beliefs may need to be overridden.

So there can often be genuine conflicts that will exist between church and state regarding such matters. Getting back to coronavirus: how far does religious freedom extend, especially during a time of a pandemic? Can the modern state simply trample on religious freedoms in the interests of public safety? American Columnist Matt Walsh has written specifically about the clampdown on churches. He says this at the close of his piece:

I am trying to imagine a definition of “religious liberty” that includes the government closing churches indefinitely on the basis that they are not essential enough to remain open. I cannot think of one that would be at all cogent or meaningful. Indeed, it has become obvious (if it wasn’t already) that our mainstream notions of “liberty” and “rights” and “freedom” are largely nonsensical, as evidenced by the people who normally assert these concepts as absolutes but now insist that the government has the unquestioned power to lock us in our homes and shut our businesses for as long as it pleases.

Most of us, it turns out, do not have a governing philosophy or set of principles. We are slaves to our emotions. So, if the government scares us enough, we will rip the “Give me liberty or give me death” and “Don’t tread on me” bumper stickers off of our cars and stuff them in the closet while we cower along side it. Then when the threat has passed – or at least we are told that it has passed – we will proudly affix the bumper stickers back on our bumpers again, and sing bravely about our love of freedom.<sup>46</sup>

A final point about church closures has to do with the glaring double standards that so many governments were involved in. Most the mass protests (and rioting) that occurred around the West after the

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<sup>46</sup> Matt Walsh, ‘WALSH: Pastors Are Being Arrested for Holding Worship Services. This Is Not “Health and Safety.” This Is Tyranny’ *The Daily Wire*, 2020. <[www.daily-wire.com/news/walsh-pastors-are-being-arrested-for-holding-worship-services-this-is-not-health-and-safety-this-is-tyranny](http://www.daily-wire.com/news/walsh-pastors-are-being-arrested-for-holding-worship-services-this-is-not-health-and-safety-this-is-tyranny)>.

death of George Floyd in Minneapolis on May 25 were effectively given the green light by far too many states, while churches were still being held in strict lockdown. Many pointed out the blatant duplicity on display here. For example, Perth Pastor Margaret Court sent a letter to *The West Australian* about this matter, which said this in part:

If the Government of Western Australia allows thousands to rally on Saturday, why do churches have to obey all the rules of restricted numbers and social distancing (as we do) on Sunday? Victory Life Centre is multi-racial church with a common belief in the words of Jesus. Throughout COVID19 we have fed thousands of people in need (over 50 tonnes of food per week) and comforted them in these tough times. Churches across this great city have risen to the challenge to help in this time of need and yet the restrictions still stand for them. This is a double standard, I ask you to reconsider this.<sup>47</sup>

One more example: in New York some religious groups are suing the government over this. As one report puts it:

New York's Governor Andrew Cuomo, his Attorney General Letitia James, and New York City Mayor Bill de Blasio are being sued by two Catholic priests from upstate New York and a trio of Orthodox Jewish congregants from Brooklyn for violation of civil rights by prejudicial orders and selective enforcement. The federal lawsuit, filed June 10, 2020, in United States District Court for the Northern District of New York, charges the governor, attorney general, and mayor with violating the plaintiffs' rights to free exercise of religion, freedom of speech, assembly and expressive association, and due process, under the First and Fourteenth Amendments to the U.S. Constitution. Governor Cuomo is also accused of acting against New York state law and the New York State Constitution. Senior Judge Gary L. Sharpe has ordered the defendants

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<sup>47</sup> Rourke Walsh, 'Tennis legend Margaret Court slams "double standard" for Black Lives Matter rally amid restrictions for churches' *The West Australian*, 31 March 2020 <<https://thewest.com.au/news/wa/tennis-legend-margaret-court-slams-double-standard-for-black-lives-matter-rally-amid-restrictions-for-churches-ng-b881575478z>>.

## FUNDAMENTAL RIGHTS IN THE AGE OF COVID-19

to file a response by noon (Eastern) on June 15, 2020.

Thomas More Society Special Counsel Christopher Ferrara explained the key points of the lawsuit: ‘These orders, both the emergency stay-home and reopening plan declarations, clearly discriminate against houses of worship. They are illegally content based, elaborate, arbitrary and pseudo-scientific. The governor and his agents, along with New York City’s mayor have employed favoritism and political platforms against people of faith.’<sup>48</sup>

And a U.S. District Court has just agreed with this:

Catholic League president Bill Donohue comments on a judicial decision just handed down that is of utmost importance to people of faith: Protesters can take to the streets, some violently, and that is okay by Mayor Bill de Blasio and Gov. Andrew Cuomo—the mob does not have to abide by social distancing rules—but religious New Yorkers cannot congregate in their houses of worship lest they imperil the public health.

Well, the jig is up. U.S. District Court Judge Gary Sharpe issued a preliminary injunction on June 26 saying that de Blasio and Cuomo (as well as Attorney General Letitia James) exceeded their authority by putting restrictions on people of faith while simultaneously condoning the protests.<sup>49</sup>

In sum, these issues can be rather complex, and a number of pro and con arguments can be made here. My take on this should be clear by now: we should not act foolishly and presumptuously as Christians. While we are not to succumb to paralysing fear, neither are we to be reckless and stupid in ignoring sound health and safety advice and practice. But standing up for religious freedom when it seems clear

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<sup>48</sup> ‘Priests sue NY governor, NYC mayor for oppressing churches in COVID reopening’ *LifeSiteNews*, 12 June 2020 <<https://www.lifesitenews.com/news/new-york-governor-nyc-mayor-sued-for-pseudo-scientific-coronavirus-response>>.

<sup>49</sup> Bill Donohue, ‘De Blasio and Cuomo Get Creamed in Court’ *Catholic League*, 26 June 2020. <<https://www.catholicleague.org/de-blasio-and-cuomo-get-creamed-in-court/>>.



that it is being violated is also an important obligation not just of religious persons, but of all concerned about the fair and just administration and enforcement of law.

More can be said on these issues, however. Back in 2005 Mathew Staver, the president and general counsel for Liberty Counsel, penned a volume on religious freedom in America entitled *Eternal Vigilance*. What he said in the preface to his book is relevant here. He tells us that before he went into law school he was a pastor, and during that time he learned this: ‘We lose our religious liberties for three primary reasons: (1) ignorance of the law, (2) hostility toward religion, and (3) apathy. . . . In this battle over religious liberty, I frequently encounter a great deal of apathy among Christians and people of faith. Most people would rather run than fight and lose their rights rather than struggle for them.’<sup>50</sup>

This has been the case with so many believers both in America and Australia during the coronavirus crisis. Far too many simply surrendered their religious freedoms without a fight – indeed, without a whimper. Many of us were quite alarmed by that reaction – or lack of reaction. A meme making the rounds on the social media during this time was certainly as telling as it was humorous. In the first panel one Christian says to another, “When persecution comes, we will remain faithful to gather for worship.” In the second panel the man replies, “Like you did with COVID-19?”

Many did speak out on this, and some churches did defy the guidelines. And many questioned how believers could simply run with virtual church services for indefinite periods of time. While this essay is not primarily about Christianity, let me offer a few quotes from just one piece on this matter. Rev Dr Joe Boot said this about how evangelical Christians should consider such restrictions:

I should add, whilst the Bible has important things to say about quarantining the seriously sick, I have yet to find the scriptural text where Christ or his apostles hid from the dis-

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<sup>50</sup> Mathew Staver, *Eternal Vigilance* (Broadman & Holman, 2005) xv1.

eased and destitute, the lonely, depressed or dying in the interest of loving and saving them. If ever Christians should be wearied by empty evangelical platitudes to justify our inaction, it's now....

Civil authorities can lock down a business, but they cannot switch off the essence of human nature. We are cultural beings made specifically to work (Gen. 1:28; 2:15) and social beings made for fellowship; most especially fellowship with the living God (Gen 2:18, 21-23; Ex. 29:45; Jn. 1:3, 5-7; Jn. 14:23; Rev. 21:3-4). To deny human beings these things, even amidst the risk of infection or sickness, is to deny part of the essence of their humanity and fundamentally undermine their life and wellbeing. Work and corporate worship are both pre-political; they are part of the normative structure of human life and existence. Human governments do not bestow on people a right to worship and work, they are merely called to recognise and protect that right. It is God himself who commands human beings to rule and subdue, to work and serve (and observe a sabbath rest).<sup>51</sup>

Catholic philosopher Edward Feser looks at the coronavirus lockdowns from a wider perspective, dealing with some matters I have already briefly touched on. He says that early on he did support the lockdown, but as of the time of writing, (May 22) he no longer could morally support it. He examined a number of key areas, but let me just feature one of his concerns: "The natural right to earn a living." He says this:

The basic natural law grounds for this judgment are straightforward. Breadwinners have a natural right to labor in order to provide for themselves and their families. Hence, governing authorities may not prevent them from doing so unless strictly necessary for preserving the common good. Now, a strong case could be made at the beginning of the lockdown that preventing such labor was indeed strictly necessary. But

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<sup>51</sup> Joe Boot, 'The Way is Shut: Evangelical Silence and the Illusion of Virtual Church' *Christian Concern*, 28 May 2020 <<https://christianconcern.com/comment/the-way-is-shut-evangelical-silence-and-the-illusion-of-virtual-church/>>.

such a case cannot be made now. Hence, while a total lockdown was justifiable at the beginning, it is no longer justifiable, and governing authorities have a strict duty in justice to relax it. The details of how this might be done in this or that locality are debatable, but the general principle is clear.

One reason this is not more widely recognized is because of the seriously misleading way in which the issue is routinely framed, viz. as a matter of balancing “the economy” against “saving lives.” First of all, what is in jeopardy is not some abstraction called “the economy.” What is in jeopardy is the basic natural human right to earn a living. To talk about how the lockdown affects “the economy” tends to disguise the true moral situation, because it makes it sound as if public authorities are merely tinkering with the operation of some impersonal mechanism.

What they are actually doing is preventing millions of human beings from exercising their fundamental right to support themselves and their families. And the vast majority of them are people who live paycheck to paycheck and cannot afford to have their life savings depleted. Chatter about the effects of the lockdown on “the economy” can give the false impression that government officials may decide what to do about the situation at their leisure. Keeping in mind that what we are really talking about is interference with a basic human right reminds us of the situation’s true urgency.<sup>52</sup>

## VII JUST REVOLUTION?

One final consideration can be raised here – one as much theological as political. The question arises – certainly for the Christian thinker – as to whether a state can become so tyrannical and so obsessed with power and control that the citizen has a right and a duty to rebel.

Obviously it is a big leap from something like resistance to church

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<sup>52</sup> Edward Feser, ‘The lockdown is no longer morally justifiable’ *Edward Feser Blog-site*, 22 May 2020 <<https://edwardfeser.blogspot.com/2020/05/the-lockdown-is-no-longer-morally.html>>.

closure laws and other lockdown measures – such as opening up your barber shop or beauty salon to earn some income to feed one's family (as happened in the US) – to full blown revolution. So I am not equating the two. But the biblical and/or theological principles found in the one can also be found in the other.

And of course it will be apparent that my biases are on display here, since I am an American, and my country of origin was founded by rebellion against England – a revolution against powers perceived to be tyrannical. So perhaps I have such views in my blood!

Be that as it may, it is quite clear obviously that the American Founding Fathers had a strong view on the need to resist tyranny. A few representative and well-known quotes will suffice here:

‘Resistance to tyranny becomes the Christian and social duty of each individual. ... Continue steadfast and, with a proper sense of your dependence on God, nobly defend those rights which heaven gave, and no man ought to take from us.’ – John Hancock (1st Signer of the Declaration of Independence)<sup>53</sup>

‘When the government violates the people's rights, insurrection is, for the people and for each portion of the people, the most sacred of the rights and the most indispensable of duties’ – Marquis de Lafayette (French-born American military commander during Revolutionary War)<sup>54</sup>

‘The Revolution was effected before the War commenced. The Revolution was in the minds and hearts of the people; a change in their religious sentiments of their duties and obligations ... This radical change in the principles, opinions, sentiments, and affections of the people, was the real American Revolution.’ – John Adams (Second US President)<sup>55</sup>

‘The spirit of resistance to government is so valuable on

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<sup>53</sup> Cited in Maryann Brickett, *Yes We Are A Christian Nation* (Xulon Press, 2011) 43-44.

<sup>54</sup> Marquis de Lafayette, ‘To Constitutional Assembly, February 20, 1790’, in George Seldes (ed), *The Great Thoughts* (Ballantine Books, 1996) 57.

<sup>55</sup> John Adams, ‘Letter to H. Niles, February 13, 1818’, in Charles Francis Adams (ed), *John Adams, Second President of the United States, With A Life Of The Author – Volume 10* (Little, Brown and Co, 1856) 282.

## CORONA, CULTURE, CAESAR AND CHRIST

certain occasions, that I wish it to be always kept alive. It will often be exercised when wrong, but better so than not to be exercised at all. I like a little rebellion now and then.’ – Thomas Jefferson (from a letter to Abigail Adams, February 27, 1787)<sup>56</sup>

‘Give me liberty or give me death.’ – Patrick Henry (from a speech given at Saint John’s Church in Richmond, Virginia on March 23, 1775)<sup>57</sup>

‘Rebellion to Tyrants is obedience to God.’ – Benjamin Franklin<sup>58</sup>

But how have Christian thinkers throughout the centuries thought about such matters? Since I am a Protestant, I will here confine my remarks to what some key Protestants have taught on this over the past 500 years. Let me start with a brief historical overview. The Reformers of course spoke to this issue in various places. For example, Martin Luther believed that we must respect the office of the magistrate. Because civil government is established by God, people must not resist it. However, he also said that obedience to the state is not unconditional.

He said for example, ‘There are lazy and useless preachers who do not denounce the evils of princes and lords.... Some even fear for their skins and worry that they will lose body and goods for it. They do not stand up and be true to Christ!’ Appealing to Acts 5:29 he taught that we must obey God rather than man when tyrannous rulers violate God’s laws. But his insistence that we resist such magistrates was to be understood as more of a passive resistance or civil disobedience as

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<sup>56</sup> Thomas Jefferson, ‘Letter to James Madison, January 30, 1787’, cited in Dustin Gish and Daniel Klinghard, *Thomas Jefferson and the Science of Republican Government* (Cambridge University Press, 2017) 283.

<sup>57</sup> Patrick Henry, *Give Me Liberty Or Give Me Death* (Independently Published, 2020) 43. This was a speech he made to the Virginia Convention. It was given on 23 March 1775, at St John’s Church in Richmond, Virginia.

<sup>58</sup> Cited in Brahm French, *Why Christians Must Be Right* (WestBow Press, 2012) 39. Benjamin Franklin coined this phrase in 1776. He was comparing the Exodus of the Hebrews from Egypt to the overthrowing of the English rule in the thirteen colonies that eventually formed the United States of America.

opposed to active revolt.

John Calvin, in his *Institutes of the Christian Religion* said that private revolution was not allowable but proper representatives of the people could and should resist the tyranny of kings. Appealing to Daniel's refusal to obey the king's decree (Dan 6:22), Calvin said this: 'We are subject to the men who rule over us, but subject only in the Lord. If they command anything against Him let us not pay the least regard to it.'

The book *Lex, Rex* (1644) by Scottish Presbyterian Samuel Rutherford is of course perhaps the most important and most detailed discussion of all this. The title, simply meaning 'The Law, the King' refers to the biblical truth that the law is king, and the king is subject to the law, which is under the law of God.<sup>59</sup>

Very simply stated, Rutherford argued that there are limits to monarchies, since everyone, from kings to the common man, are subject to the rule of law – God's law. When a king or magistrate violates God's law, he loses his authority, and people may then have the right to overthrow this ruler. Tyrannical governments are immoral and can and must be opposed. Indeed, tyrannic government is satanic government, and the believer must resist it. To oppose tyranny is to honour God. The office of the magistrate demands our respect, but we need not blindly respect the ruler in that office.

His important book of course deals with far more than the place of revolution against unjust authorities. It is a comprehensive discussion of key issues such as the rule of law, the case against royal absolutism, the importance of constitutionalism and limited government, and the nature of political theory based on biblical law and natural law. The book was certainly a volatile volume, and was later burned in Edinburgh. But it was hugely influential, not only in refuting the then widely-accepted notion of the divine right of kings, but paving the way for resistance to government tyranny, most notably as found in the American Revolution.

Let me here offer a few commentaries on these themes from some

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<sup>59</sup> Samuel Rutherford, *Lex Rex, Or the Law and the Prince* (Hess Publications, 1999).

key contemporary Christian thinkers. One such figure is well known, at least in evangelical circles. The noted Christian apologist Francis Schaeffer is worth looking at more closely here. He spent the last four chapters of his important 1981 volume, *A Christian Manifesto* looking at this issue in some detail. He sided with Rutherford and believed that just revolution is the duty of the Christian. He argued that we are getting very close in the West today to seeing the need for such revolt to be carried out.

He appealed to historical and political grounds, as well as to biblical principles: "Simply put, the Declaration of Independence states that the people, if they find that their basic rights are being systematically attacked by the state, have a duty to try to change that government, and if they cannot do so, to abolish it."<sup>60</sup> To say we cannot resist an unjust and tyrannical state means that we are elevating the state above God and his law: 'If there is no final place for civil disobedience, then the government has been made autonomous, and as such, it has been put in the place of the Living God.'<sup>61</sup>

And again: "It is time we consciously realise that when any office commands what is contrary to God's Law it abrogates its authority. And our loyalty to the God who gave this law then requires that we make the appropriate response in that situation to such a tyrannical usurping of power."<sup>62</sup>

And the use of force is morally licit in the face of tyrannical regimes:

There does come a time when force, even physical force, is appropriate. The Christian is not to take the law into his own hands and become a law unto himself. But when all avenues to flight and protest have closed, force in the defensive posture is appropriate. This was the situation of the American Revolution. The colonists used force in defending themselves. Great Britain, because of its poli-

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<sup>60</sup> Francis Schaeffer, *A Christian Manifesto* (Crossway Books, 1981) 128.

<sup>61</sup> Ibid 130.

<sup>62</sup> Ibid 131-132.

cy toward the colonies, was seen as a foreign power invading America. The colonists defended their homeland. As such, the American Revolution was a conservative counter-revolution. The colonists saw the British as the revolutionaries trying to overthrow the legitimate colonial governments.<sup>63</sup>

Such rebellion against authority was also appropriate in Hitler's Germany: 'A true Christian in Hitler's Germany and in the occupied countries should have defied the false and counterfeit state and hidden his Jewish neighbors from German SS troops. The government had abrogated its authority, and it had no right to make any demands.'<sup>64</sup>

But Schaeffer also said, 'When discussing force it is important to keep an axiom in mind: always before protest or force is used, we must work for reconstruction. In other words, we should attempt to correct and rebuild society before we advocate tearing it down or disrupting it.'<sup>65</sup> He again appeals to Rutherford here:

Rutherford offered suggestions concerning illegitimate acts of the state. A ruler, he wrote, should not be deposed merely because he commits a single breach of the compact he has with the people. Only when the magistrate acts in such a way that the governing structure of the country is being destroyed—that is, when he is attacking the fundamental structure of society—is he to be relieved of his power and authority. That is exactly what we are facing today. The whole structure of our society is being attacked and destroyed. It is being given an entirely opposite base which gives exactly opposite results. The reversal is much more total and destructive than that which Rutherford or any of the Reformers faced in their day.<sup>66</sup>

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<sup>63</sup> Ibid 117.

<sup>64</sup> Ibid 117-118.

<sup>65</sup> Ibid 106.

<sup>66</sup> Ibid 101-102.



Another Christian commentator – who does have a legal background – is worth drawing upon here. Back in 1982 the American constitutional attorney and religious freedom specialist John Whitehead wrote an important volume called *The Second American Revolution*. After examining how America is being undermined and destroyed by secularism, immorality, and anti-Christian government, he asks how Christians should respond to this.

He writes, ‘The battle for Christian existence may be upon us. As the state becomes increasingly pagan, it will continue to exert and expand its claims to total jurisdiction and power over all areas, including the church. . . . Strong biblical grounds serve for a foundation for Christian resistance to state paganism.’<sup>67</sup>

Whitehead also appeals to Rutherford. ‘Citizens have a moral obligation to resist unjust and tyrannical government. Unfortunately, this has long been overlooked in churches, as a whole. While we must always be subject to the office of the magistrate, we are not to be subject to the man in that office, if his commands are contrary to the Bible.’<sup>68</sup> He continues:

Rutherford was not an anarchist. In *Lex, Rex* he does not propose armed revolution as a solution. Instead, he sets forth three levels of resistance in which a private person may engage. First, he must defend himself by protest (in contemporary society this would usually be by legal action). Second, he must flee if at all possible; and, third, he may use force, if absolutely necessary, to defend himself... Christian resistance does not mean that Christians should take to the streets and mount an armed revolution.<sup>69</sup>

However, there ‘does come a time when force, even physical force, is appropriate. When all avenues to flight and protest have closed,

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<sup>67</sup> John Whitehead, *The Second American Revolution* (Crossway, 1985) 149-150.

<sup>68</sup> Ibid 154.

<sup>69</sup> Ibid 155-156.

force in the defensive posture is appropriate. This was the situation of the American Revolution.’<sup>70</sup>

This article is not primarily about resisting the state from a theological point of view. But the concerns raised here about statism and the restriction of fundamental freedoms does raise the matter, and since many of the readers here will come from the Christian tradition, a brief look at these matters has been worth exploring.<sup>71</sup>

## VIII CONCLUSION

As stated at the outset, this essay was intended to be a rather broad-brush look at the many key issues involved in the coronavirus crisis and how various states have responded to it. My aim was to demonstrate that this international crisis certainly highlighted a number of important considerations, ranging from the political, legal and social to the ethical, philosophical and theological.

My main concern has been to suggest that far too often government overreach and alarming statist expansionism was the normal response, resulting in diminished liberties and restrictions on freedoms. In the light of all this, one can rightly ask: If a virus like this could result in so much growth in Big Brother statism and alarming clampdowns on individual freedoms, what will an even greater and more fearsome crisis bring about?

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<sup>70</sup> Ibid 158. One other book can be mentioned here: the 1984 volume by Lynn Buzzard and Paula Campbell, *Holy Disobedience: When Christians Must Resist the State* (Servant Books, 1984). This helpful volume carefully looks at the issue of civil disobedience more so than just revolution. But it contains many helpful insights and observations, examining biblical, historical and political matters.

<sup>71</sup> For more on these matters, see my two-part article: Bill Muehlenberg, ‘Is Revolution Ever Justified?’ *CultureWatch*, 11 July 2013 <<https://billmuehlenberg.com/2013/07/11/is-revolution-ever-justified-part-one/>>, <<https://billmuehlenberg.com/2013/07/11/is-revolution-ever-justified-part-two/>>.