

# ΤΩ ΧΡΟΝΟΥ ΚΑΙΡΩ

## “In the Nick of Time”

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Occasional Essays  
and Other Stuff  
for Christian Students

Presented by the  
President of

Central Baptist  
Theological Seminary  
of Minneapolis

American Christianity needs leaders. American Christianity needs *Christian* leaders. Christian leaders explain the Scriptures, bringing them to bear upon life's urgent questions. Christian leaders exemplify the life of faith, finding their ultimate satisfaction in God alone. They unite intellectual discipline with ordinate affection, turning their entire being toward the love of God. These essays are dedicated to the task of inviting today's Christian students to become tomorrow's Christian leaders.

—Kevin T. Bauder

“...Be instant in season, out of season; reprove, rebuke, exhort with all longsuffering and doctrine.”

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## Civil Disobedience

### Part One

#### When Is Civil Disobedience Justified?

Since the 1960s fundamentalists have done a complete turnaround regarding the ethics of civil disobedience. When the only ones engaging in civil disobedience were hippies and civil rights activists, fundamentalists were diametrically opposed. Two things happened to change that opposition.

First was the Christian School movement, which boomed during the 1970s. In order to avoid registration and certification laws, fundamentalists organized their schools as if they were ministries of churches, then used the principle of church-state separation to claim exemption from state regulation. For a while, many fundamentalists were willing to go to jail rather than to allow the state to regulate their schools.

Second, during the 1980s Randall Terry founded Operation Rescue, an organization that deliberately employed civil disobedience as a means of challenging legalized abortion. The protestors of Operation Rescue chose to violate trespassing laws in order to prevent people from reaching abortion clinics. The theory was that civil disobedience would immediately reduce access to abortion, exhibit the seriousness of the protestors, and raise the consciousness of Americans to the holocaust of abortion. The effect, however, was not as intended. Immediately

the media were filled with pictures of fundamentalists being hauled off to jail, which did little for their image. Secondly, the tactics of Operation Rescue emboldened some anti-abortionists to take the next step and to use violence against abortion providers.

When (if ever) is civil disobedience morally justified? Scripture points to two kinds of circumstances under which civil disobedience appears to have been practiced with God's approval. Scripture also articulates principles that imply that at least some evangelical and fundamentalist civil disobedience has not met God's approval.

Most obviously, civil disobedience is not only permissible but obligatory when a moral imperative is at stake. When the state requires believers to violate God's laws, then they must disobey. Civil authorities have no right to forbid what God commands or to demand what God forbids. When government crosses this line, "we ought to obey God rather than men" (Acts 5:29). When the state demands that its citizens disobey God, even the normal tokens of respect to government should drop away. Believers who are faced with a choice between loyalty to God and loyalty to the state must express their decision in blunt terms (Dan. 3:16-18).

The danger, however, is that some might disobey the government over a personal preference or matter of convenience rather than over a genuine divine requirement. In most instances, the Christian school cases fell into this category—especially among Baptists. Baptists have a very difficult time finding any New Testament requirement for churches to operate schools of general education. To organize those schools under the umbrella of the church was often merely a ploy to avoid state regulations. Civil disobedience in such cases was not biblically warranted and can be taken as a violation of the biblical demand to honor the civil authority.

As stated above, one biblical ground for civil disobedience is that a divine imperative is at stake. The second ground is less obvious, but equally real. It can be inferred from the Jews' appeal to Darius in Ezra 5. They had begun to rebuild the temple in violation of Darius' decree. In other words, they were engaged in civil disobedience. When challenged, however, they did not appeal to God's command but to Persian law. They claimed an authority from an earlier decree of Cyrus that the later decree of Darius could not annul. In other words, they argued that Darius' decree was itself illegal—and in the long run, Darius agreed with them!

A similar circumstance occurs in Acts 16. In this chapter, the civil authorities of Philippi acted illegally by throwing Paul and Silas into jail without due process. Later they issued orders that the two missionaries were to leave town quietly. In verse 37, Paul refused in terms that are blunt to the point of defiance. He argued that the rulers were themselves in violation of the law, and insisted upon at least a token restitution—which he received.

The principle upon which these passages build is called the "rule of law." This is the notion that ultimate authority rests not in the rulers of a society, but in its laws. The rulers themselves are subject to the law of the land. When they act contrary to the highest laws, issuing decrees and making laws that conflict with it, they may rightly be disobeyed.

This understanding of civil disobedience is sometimes captured in the expression *Lex Rex*, "the law is king." Over every civil order exists some legal code, the maintenance of which is equally obligatory for both rulers and ruled. When the rulers seek to overturn this code, then

those who are ruled may rightly reject their authority in favor of the authority of the law. In such an instance, the rulers and not the ruled are the rebels, because the rulers are the ones who despise the just authority of the law.

Incidentally, this understanding of *Lex Rex* was the biblical philosophy that led to the American Revolution. As Englishmen, the colonists were assured of certain rights under the English legal tradition. By persistently violating those rights, King George III placed himself in transgression of the law. The Revolution was not a rejection of lawful authority, but an insistence that lawful authority be maintained. George was the rebel; the Revolutionists were the ones who sought to uphold the law. In this respect, the American Revolution and the French Revolution are almost exactly opposite.

The principle of “rule of law” still holds true. Civil governors do not have the moral prerogative to act contrary to law. When they do, then the governed may rightly reject their demands and take whatever measures are necessary to restore the rule of law. Christians have no moral obligation to obey lower laws that violate higher ones. They need not obey any legislation that conflicts with the highest law of the land.

This places upon Christians an obligation to be wise and knowledgeable citizens. They must know what the law of their land is, what it requires, and what it allows. If they are going to disobey any law, they must be sure that it really does conflict either with a moral imperative or with a higher law. Only under these circumstances may they justly engage in civil disobedience. ✕

This essay is by Kevin T. Bauder, president of Central Baptist Theological Seminary. Not every one of Central Seminary’s professors, students, or alumni necessarily agrees with every opinion that it expresses.

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