

# 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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May 20, 2005  
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## Civil Disobedience

### Part Three

#### What About Rights?

God's people are *required* to engage in civil disobedience when government commands them to violate God's law. They are *permitted* to disobey civil authorities when those authorities are violating the principle of *Lex Rex* by acting contrary to the laws of the land. They are definitely *not* permitted to use civil disobedience as a form of social protest, and they must not break just laws in order to prevent people from committing immoral acts that are permitted by the civil laws. A special circumstance remains to be considered, however. Is civil disobedience permissible when one's rights are being violated?

This question is easily answered when those rights are guaranteed by the law of the land. If a civil authority acts contrary to its highest laws, then that authority may rightly be disobeyed. But what about cases in which the highest laws of the land do not guarantee rights?

Civil governments do not have the power to create rights. They cannot determine what should be a right and what should not. The only authority held by government is the authority to recognize and to protect rights. Governments have an obligation to recognize and to protect the rights of citizens—in fact, this is one of the fundamental purposes of government.

Rights are neither granted nor invented by governments, they are given by God, and they inhere in human nature. The rights to life, liberty, and property, for example, are connected with the image of God in humans. No other creatures (plants, animals, angels) possess such rights.

To say that rights are given by God is not the same as saying that they can only be discovered theologically. God has worked His moral laws into the very fabric of the created order, including the creaturely social order. The violation of these “natural laws” invariably produces disastrous consequences within a society. Rights can be defended on the basis of natural law because of God’s common grace. When discussing rights among themselves, Christians are certainly welcome to base their case upon the revealed truths of Holy Scripture. When debating within the public square, however, Christians must become skillful in arguing from natural law. Ultimately, all rights that can be justified through natural law are God-given rights.

One example of such a God-given right is found in Genesis 9:6, “Whoso sheddeth man’s blood, by man shall his blood be shed: for in the image of God made he man.” This verse assumes that humans have a right not to be murdered. This right is tied directly to the *imago dei*. Thus, no act of murder is ever moral, and human civilization has a duty to treat murderers in a particular way.

Another example of a God-given right is implied in the eighth commandment, “Thou shalt not steal.” Stealing assumes the prior ownership of private property, which is once again a reflection of the *imago dei*. Animals and plants do not own anything, and neither do angels. The prohibition against stealing establishes the right of all humans not to be deprived of their property without due process.

The qualification *without due process* is important. As Genesis 9:6 implies, people may surrender their rights. A criminal, for example, may rightly be deprived of liberty, property, and even life under the proper circumstances. Civil government has the duty to ensure that those circumstances exist before suspected criminals are deprived of their rights, and furthermore to ensure that the deprivation of rights is proportionate to the offense that was committed. Civil laws and governments exist, not only to punish the guilty, but to protect the innocent and to prevent excess. The procedures by which guilt is established and rights proportionately suspended are called *due process*.

Because governments do not grant rights, they have no authority to abridge rights (except in specific cases and after due process). In other words, no law that revokes a right can be a just law. No government has the right to enact laws that deprive persons of life or property without due process.

This becomes the nub of the issue for civil disobedience. People are not morally required to obey laws that governments have no right to make. No government possesses the authority to revoke rights (except in specific cases and after due process). Therefore, if a government enacts a law that ignores or revokes the rights of its citizens, those citizens have no moral duty to obey that law. To break a law that is enacted without proper authority is morally identical to not breaking the law at all.

This does not mean that people are morally obligated to break laws that abridge their rights. For a variety of reasons they may find that surrendering their rights is preferable to defending them. Among these reasons is the coercive power of the state. Because the state is able to use force, breaking even unjust or unauthorized laws may be very costly. In the case of tyrannical governments, disobedience may be so brutal as to be unimaginable. To comply with such an unjust law is not in itself immoral, as long as the law does not commit the citizen to perpetuate the injustice.

Christians may morally choose to break laws that deny rights. When they do, however, they should be aware of the cost that they might pay. The state has force at its disposal. Breaking an unjust law may have exactly the same practical results as breaking a just one. The state has the *de facto* power to use arrest, imprisonment, financial penalty, torture, or death to enforce compliance. Those who choose to break unjust laws must indeed be prepared to pledge their lives, their fortunes, and their sacred honor.

Breaking an unjust law is not the same as breaking a just law in order to prevent an injustice. No moral authorization exists for breaking a just law. Even when the result of obeying the law is to permit an injustice, Christians have a duty to obey the law.

When the law compels injustice, however, then disobedience becomes obligatory. Persons may surrender their own rights when the cost of disobedience becomes too high. They may not, however, become complicit in denying rights to others.

No one may rightly shirk a duty for the sake of a law, even when performance of that duty is terribly costly. All duties derive from God. The state has no authority to forbid a duty that God requires. When a state enacts such a law, it confronts its citizens with a choice between obeying God and obeying humans. For the Christian, this choice permits only one moral outcome.

Moral sense demands that Christians be able to distinguish rights from duties. They may obey a law that denies their rights, though they need not. If they disobey, then they must be prepared to pay the penalty. They must not, however, obey any law that interferes with the performance of a duty. When human laws forbid obedience to divine law, then the human laws must yield. This is true regardless of the penalty attached to breaking those laws. ✕

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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