

**V. PROPRIETY OF THE CHRISTIAN'S NONVIOLENT DISOBEDIENCE
TO THE CIVIL MAGISTRATE
IN THE ABORTION CONTROVERSY**

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I. The Issue.

Evangelical Christians in America, in increasing numbers, have been expressing their opposition to abortion and the current law in America which permits and protects that practice, by open violation of the civil law. Some members of the Presbyterian Church in America, both lay and clergy, have joined ranks with members of other denominations in both legal and illegal protests at abortion clinics.⁷⁶

Some of these protests have included illegal pickets at abortion clinics, "sit-ins," or similar actions. The scope of this committee's work is limited to a discussion of such non-violent actions. The open confrontation which takes place between the protester and the abortion clinic personnel or local police force is an expected and usual result. This confrontation often results in the arrest, prosecution and conviction of the protester.

The Christian who undertakes this kind of protest finds himself in the strained position of intentionally confronting and resisting the civil magistrate and government. The Christian who protests in this way typically is an otherwise law-abiding citizen who desires to promote respect for the civil order, and who loves a peaceful, well-ordered society. But he is also a person who feels conscience-stricken regarding the issue of abortion and believes, on the basis of Scripture, that the act of abortion is a direct and immediate violation of the Sixth Commandment, "Thou shalt not kill." The Presbyterian Church in America has emphatically adopted this position:

We cannot stress too strongly our authority in this matter. God in His Word speaks of the unborn child as a person and treats him as such, and so must we. The Bible teaches the sanctity of life, and so must we. The Bible, especially in the Sixth Commandment, gives concrete protection to that life which bears the image of God. We must uphold that commandment.⁷⁷

But while the constituency of the Presbyterian Church in America may be clearly united in their opposition to abortion, i.e., that the act of abortion is a violation of the Sixth Commandment, they are by no means of one mind on the issue of disobedience to the civil magistrate in the abortion controversy. Like the "underground railway" issue in the slavery controversy more than a century ago,⁷⁸ the internal conflict sharply divides members of the Presbyterian Church in America, sometimes even within our local churches. Thus, in one of our presbyteries, in the Spring of 1985, we find a Presbyterian Church in America pastor and members of his church refusing to leave the parking lot of an abortion clinic, while a member of another Presbyterian

⁷⁶ The Presbyterian Journal, Vol. 43, No. 28, Nov. 7, 1984, pp. 3, 6-8.

⁷⁷ Report of the Ad Interim Committee on Abortion, adopted by the Sixth General Assembly of the Presbyterian Church in America, Grand Rapids, Michigan, June 19-23, 1978, p. 11.

⁷⁸ Andrew E. Murray, Presbyterians and the Negro--A History, Presbyterian Historical Society, Philadelphia, PA 1966, pp. 63-130.

Church in America church in the same presbytery--the chief of the county policy force—ordered, directed and presided over their arrest and imprisonment.⁷⁹ And where political conservatism is prevalent in the Presbyterian Church in America, two current themes of that conservatism come into apparent conflict: law and order, on the one hand, and open resistance to the laws which protect the right of abortion, on the other.

Recognizing the need for some guidelines, then, in this area, and being convinced that Christians within the Presbyterian Church in America on both sides of the issue desire to speak and act on the matter in a way consonant with Scripture, your committee has attempted to bring Scriptural principles to bear on these questions: What are the broad Scriptural principles regarding submission to the civil magistrate? What examples or teaching can be found in Scripture where disobedience to the civil government was approved or required? Is resistance to abortion through disobedience to the civil law an area where the Christian may disobey the law? What guidelines or safeguards should the Christian adhere to if he is civilly disobedient?

II. Scriptural Principles.

Discussions regarding the Christian's responsibility to the civil government inevitably begin with a look at two of the more obvious texts on the subject: Romans 13:1-7 and I Peter 2:13-17. Both texts deal specifically with the issue of submission to the civil authorities, and both were written to Christians who were living their day-to-day lives under a pagan civil government. These passages make it clear (a) that civil government is established by God, (b) that God establishes civil government to promote good and punish evil, (c) that the civil magistrate, in his governing function, is God's servant, (d) that therefore the Christian must submit to the civil magistrate in his governing function, (e) that rebellion against the civil order is rebellion against God and results in judgment. In short, the Christian has a high duty to respect and obey the civil law, not because government is intrinsically good or right, but because the child of God must obey God who ordained government, even pagan government, for His glory and our good. (See also Titus 3:1 and I Timothy 2:1,2).

The Christian's responsibility to submit to or obey the civil magistrate, like all other "lateral duties in Scripture, arises out of his duty to obey God. Similarly, children are to obey parents "in the Lord;" slaves are to obey their masters out of obedience to Christ; the wife is to submit to her husband as to the Lord; the husband is to love his wife as Christ loves the church (Ephesians 5:22-6:9). We pay taxes and we also tithe not because we answer to two ultimate authorities but because it is King Jesus who has told us to do both (Luke 20:20-26 and Romans 13:6, 7). The Christian has but one Lord—he answers to only one ultimate authority.

It is clear, therefore, that the authority of another human being or institution is not intrinsic, and thus not absolute. If obedience to any human authority requires disobedience to God, then a child must disobey his parent, a wife must refuse to submit to her husband, and a servant cannot follow his master's orders. Nor can the Christian citizen comply with an order from the civil magistrate which requires disobedience to God's commands. Scripture itself reveals numerous incidents where this principle was at work, some of the more outstanding examples of which are:

(a) The Hebrew Midwives, under orders to kill boy babies born to Hebrew women, rather "feared God and did not do what the king of Egypt had told them to do,

⁷⁹ St. Louis County v. Dye and MacNaughton, filed May 20, 1985, Division 36, St. Louis Missouri, Associate Circuit Court.

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but saved the babies alive, and in fact misled Pharaoh about what they had done. Because they "feared God and did not do what the King of Egypt had told them to do", they received not the condemnation of God but His blessing: "...because the midwives feared God, He gave them families of their own" (Exodus 1:15-22). Likewise, Moses' parents, who violated the same law by hiding their child from the civil authorities, enjoy distinction in the faith "hall of fame" because "they were not afraid of the king's edict" (Hebrews 11:23).

(b) Rahab the prostitute is also listed as one of the heroes of faith (Hebrews 11:31) specifically for hiding the Israelite spies in direct disobedience to the king of Jericho's command. She also deceived the king and surreptitiously delivered the spies to safety (Joshua 2). Because of her disobedience to the civil magistrate, she and all her family were spared destruction and judgment (Joshua 6:17b, 25).

(c) When Ahab and Jezebel, king and queen of Israel, issued death warrants for Elijah and others of the Lord's prophets, Obadiah, who had been given charge of the king's palace, appears as a "devout believer in the Lord." He hid one hundred of the Lord's prophets in two caves, to protect them from the state's power (I Kings 18:1-15).

(d) Two accounts in the book of Daniel provide us with some of the most important Biblical data concerning the relationship of the child of God to the state. The first is the story of Shadrach, Meshach and Abednego—all government officials in Babylon under King Nebuchadnezzar. They were commanded by the civil magistrate to disobey the God of Israel: to fall down and worship a golden image, Nebuchadnezzar's symbol of state sovereignty. The king was requiring them to perform an act which was actively disobedient to the God of Israel. Their refusal, of course, resulted in immediate prosecution and the death sentence, from which God miraculously delivered them (Daniel 3). By way of contrast, the story of Daniel's confrontation with King Darius in chapter 6 displays the other side of the principle: Daniel was commanded by the government to cease praying to the God of Israel; i.e., to omit to perform an act which was required by the God of Israel. He was required by civil law to sin by omission; his three friends had been required to sin by commission. But whether the civil law required "want of conformity unto" or "transgression of" the law of God, the answer of the child of God is the same: God's command is superior and must be obeyed.

(e) Peter and the apostles' dispute with the Sanhedrin (Acts 5:17-42) was of the same genre as the Daniel-Darius crisis. The apostles were commanded to desist from their peace-disturbing preaching. Though they had been jailed and were under strict orders not to preach and teach in the name of Jesus, Peter and the apostles boldly responded: "we must obey God rather than men!" (Acts 5:29b). Like Daniel, they could not neglect positive duty required of them by God even though the civil magistrate outlawed their actions.

John Calvin, in the Institutes of the Christian Religion (Book IV, Chapter 20), clearly sets forth the divine institution and support of the civil magistrate, and the Christian's high duty to respect and obey even unworthy or evil rulers (IV, 20, 1-31). But Calvin ends that discussion with the following words:

But in the obedience which we have shown to be due to the authority of governors, it is always necessary to make one exception, and that is entitled to our first attention -- that it do not seduce us from obedience to him to whose will the desires of all kings ought to be subject, to whose decrees all their commands ought to yield, to whose majesty all their scepters ought to submit. And, indeed,

how preposterous *it* would be for us, with a view to satisfy men, to incur the displeasure of him on whose account we yield obedience to men! The Lord, therefore, is the King of kings; who, when he has opened his sacred mouth, is to be heard alone, above all, for all, and before all; in the next place, we are subject to those men who preside over us, but no otherwise than in him. If they command anything against him, it ought not to have the least attention, nor, in this case, ought we to pay any regard to all that dignity attached to magistrates, to which no injury is done when it is subjected to the unrivaled and supreme power of God... [A]s if God had resigned his right to mortal men when he made them rulers of mankind, or as if earthly power were diminished by being subordinated to its author before whom even the principalities of heaven tremble with awe. I know what great and present danger awaits this constancy, for kings cannot bear to be disregarded without the greatest indignation; and "the wrath of a king," says Solomon, "is as messengers of death" (Prov. 16:14). But since this edict has been proclaimed by that celestial herald, Peter, "We ought to obey God rather than men," (Acts 5:29)—let us console ourselves with this thought, that we truly perform the obedience which God requires of us when we suffer anything rather than deviate from piety. And that our hearts may not fail us, Paul stimulates us with another consideration—that Christ has redeemed us at the immense price which our redemption cost him, that we may not be submissive to the corrupt desires of men, much less be slaves to their impiety (I Cor. 7:23).⁸⁰ (Emphasis added).

In summary, Scripture teaches that the child of God has a high duty to obey the civil law. That duty arises out of his duty to obey God. Where the civil law requires the Christian to disobey the commands of Scripture, either through a sin of commission or omission, the Christian must reject that provision of the civil law. He has only one God; he must obey Him rather than men.⁸¹

III. Application of Biblical Principles to the Abortion Controversy.

The 1973 United States Supreme Court decision of Roe v. Wade⁸² legalized abortion on demand in this country, as a matter of constitutional law. The Court held that the United States Constitution implies a "right to privacy" which gives every pregnant woman in America the freedom, in consultation with her doctor, to choose to destroy her pre-born infant. Between 1973 and 1985, it is estimated that over 18 million abortions had been obtained in the United States under the guidelines of the Roe v. Wade decision.

Neither Roe v. Wade nor any other known law in the United States requires any person to obtain an abortion, or to participate in the abortion procedure. Therefore, current law does not make the sin of abortion obligatory upon the Christian. The

⁸⁰ John Calvin, Institutes of the Christian Religion, Book IV, Chapter 20, Section 32.

⁸¹ See also Samuel Rutherford, Lex, Rex, or the Law and the Prince, Sprinkle Publications, Harrisonburg, Virginia, reprinted 1980; John Knox, "Letter to the Commonality of Scotland," in Select Practical Writings of John Knox, Committee of the General Assembly of the Free Church of Scotland, 1845; Robert L. Dabney, Lectures in Systematic Theology, Presbyterian Committee of Publication, Richmond, VA 1871.

⁸² Roe v. Wade, 410 U. S. 113, 93 S.Ct. 705 (1973).

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Christian in America today is not faced precisely with the Shadrach, Meshach and Abednego kind of crisis. The state has guaranteed to the citizenry generally that abortion is permissible, but the state has required it of no one. How, then, does a Christian justify disobedience to the civil magistrate at the abortion clinic?

The Christian abortion protester blocks the doorway at the abortion clinic out of a deep sense of Christian duty. He is willing to attempt to forbid entrance of a pregnant woman to an abortion clinic, even to the extent of violating the law, in order to save the child's life. He feels the need to intervene on behalf of the child. His purpose in blocking the doorway is not primarily or essentially for publicity, nor to work a change in the law, nor to impose his moral code on the mother or doctor involved. Rather, he believes it is his duty to do what he can to protect and preserve the life of the unborn child who is only moments away from death. In this regard, his action is substantially identical with that of the Hebrew midwives. Unlike the Supreme Court, but like the Presbyterian Church in America, he believes the unborn child to be a person. He believes that this person has a right to expect a helping hand in his time of need.

His sense of duty in this regard derives from the positive duty implicit in the Sixth Commandment, "thou shalt not kill." This is the duty to protect and preserve our own lives and the lives of our neighbors, clearly set forth in both the Larger and Shorter Catechisms.⁸³ It is also the duty which Jesus taught in the parable of the Good Samaritan (Luke 10:25-37) and which Moses summarized as "Love your neighbor as yourself" (Lev. 19:18 and Mt. 22:39). The Christian who attempts to put himself between the pregnant woman and the abortionist does so in a direct attempt to protect and preserve the life of the unborn child, his neighbor. It is the duty most succinctly summarized by Jesus in the Sermon on the Mount: "In everything, do to others what you would have them do to you, for this sums up the Law and the Prophets" (Mt. 7:12).

It should be noted that God's people have a high duty to defend, protect, and support the innocent, the widow, the weak, and the orphan (Mk. 12:40, Isa. 1:16-20, Ex. 22:22, Micah 6:8 and I Thess. 5:5, 22). This duty could exclude the unborn child only to the extent that the unborn child is excluded from personhood. The duty is specifically emphasized in Proverbs 24:11, 12:

Rescue those being led away to death; hold back those staggering toward slaughter. If you say, "But we knew nothing about this," does not he who weighs the heart perceive it? Does not he who guards your life know it? Will he not repay each person according to what he has done? (NIV)

It is crucial to note at this point that the duty which the Christian has to protect the physical well-being (especially the life) of his neighbor, is really a duty which good government otherwise should undertake through keeping the peace (I Tim. 2:1, 2 and Romans 13). Interestingly, Paul's discussion in Romans 13 on civil government is all within the context of love (Romans 12:9-21 and 13:8-10); Paul closes this discussion with these words: "Love does no harm to its neighbor. Therefore love is the fulfillment of the law" (Romans 13:10). Civil government, established by God, is meant to work in generally the same direction as the law of love; when, as under current abortion laws, the civil law punishes those who protect the helpless from death, the civil authority is (to that extent) at war with itself and with God, having denied the basic foundation of law itself.

⁸³ Westminster Larger Catechism, Questions 135, 136; Westminster Shorter Catechism, Questions 68, 69.

Assuming that a moral duty exists, then, toward the unborn child, i.e., that the Christian has the same duty to love him and to protect his life as the Christian owes to born children or adults, the Christian is not absolved of that duty when the civil law tells him that he cannot protect the unborn child's life. The Christian abortion protester sees neglect of the duty to protect the helpless unborn as constituting neglect of duty to God. It should be noted that many evils exist in modern society and government, and that the Christian's opposition to other evils does not necessarily justify violation of the civil law. For example, evils such as divorce or pornography should also be opposed, but direct intervention involving disobedience to the civil law would not be warranted. But several aspects of abortion make it unique: (1) every abortion involves the intentional, premeditated taking of a human being's life; (2) the consequences of the act of abortion are immediate and irretrievable; and (3) the act of abortion always involves a helpless, non-consenting victim. Furthermore, it should be re-emphasized that disobedience to the civil law in opposing abortion is not primarily to compel the pregnant woman or the doctor to lives of holiness, but rather to save the life of the child.

IV. Conclusion.

Without question, the abortion controversy in the United States today has brought the Christian into direct conflict with the state. Where the Christian openly resists the state through his attempt to intervene for the life of an unborn child, his act of disobedience to the civil law seems clearly justifiable on the basis of Scripture. Christians within the Presbyterian Church in America who, after careful study of the Scriptures and prayer, believe that they must personally intervene for the unborn child and thus violate the civil law, should have the concerned support of the body of believers. However, certain cautions should be borne in mind:

1. Recognizing that God has ordained all civil government, the participant should maintain a generally high respect for the civil law and the magistrate. While particular acts of non-violent civil disobedience might be necessary to fulfill Christian duty, the Christian still must recognize that not all government or law is thus to be disrespected or demeaned (Romans 13 and I Peter 2).

2. The Christian who violates the law within the confines of this issue must remember that many fellow Christians will disagree; uncertainty and ambiguity usually surround any acts of civil disobedience. The Christian should act with humility, out of a sense of duty rather than superiority, and should refrain from harsh judgment of brothers and sisters who stop short of violation of the law.

3. Whenever the Christian stands in direct opposition to evil, as in the present controversy, it is essential that he remember that "our struggle is not against flesh and blood, but against the rulers, against the authorities, against the powers of this dark world and against the spiritual forces evil in the heavenly realms" (Eph. 6:12). Because the battle is spiritual at its roots, all acts of resistance to the civil magistrate must be supported by much prayer, recognizing that ultimate victory on the abortion crisis, as in any issue, will be a result not of our work but of God's grace in answer to the prayers of his saints.