

Civil Disobedience In An Age Of Tyranny

GERALD R. THOMPSON



Ver. 1.0

© Copyright 2018 Gerald R. Thompson

Published by Lonang Institute
www.lonang.com

TABLE OF CONTENTS

| | |
|---|----|
| INTRODUCTION | 1 |
| THE GRAND BARGAIN THAT NEVER WAS | 3 |
| Political Society vs. A State of Nature | 4 |
| Civil Government as the Supreme Human Achievement | 8 |
| THE NATURE AND EXTENT OF NATURAL RIGHTS | 11 |
| All Natural Rights Are Individual Rights | 11 |
| A Partial Enumeration of Natural Rights | 16 |
| LAWS OF THE NATURE OF AUTHORITY | 18 |
| God’s Authority Framework | 18 |
| God, Caesar, and the Private Sector | 22 |
| THE LIMITED NATURE OF CIVIL POWER | 25 |
| Romans 13 Revisited | 26 |
| <i>Vindiciae Contra Tyrannos</i> and <i>Lex Rex</i> | 28 |
| Of Tyranny and Usurpation | 30 |
| THE MANHATTAN DECLARATION | 34 |
| PRESUMPTIONS OF VALIDITY AND LEGALITY | 39 |
| Presumptions of Validity | 39 |
| Who Really Has The Burden Of Proof? | 42 |
| The Prohibition of Judging One’s Own Cause | 45 |
| RESPONDING TO LAWLESS GOVERNMENT | 47 |
| Petition, Flight and Political Action | 48 |
| The Doctrine of Lower Magistrates | 49 |
| Command and Prohibit | 51 |
| The Overriding Duty to Obey the Laws of God | 54 |
| INDIVIDUAL CIVIL DISOBEDIENCE | 58 |
| Competency to Judge Individually | 58 |
| Isn’t It Better to Suffer? | 60 |
| Counting The Cost | 62 |
| We have liberty | 64 |
| EPILOGUE | 66 |

INTRODUCTION¹

“Adhering to this expression of the supreme will of the nation in behalf of the rights of conscience, I shall see with sincere satisfaction the progress of those sentiments which tend to *restore to man all his natural rights, convinced he has no natural right in opposition to his social duties.*” Thomas Jefferson, January 1, 1802, Letter to the Danbury Baptist Association (emphasis added).

Most civil governments in Western society have been built upon *a lie* - that as part of the process of erecting a stable and effective government, individuals must jointly *give up some of their natural rights* in order to achieve true liberty and other benefits of a peaceable state. This is the plain view of John Locke and other historic writers, whose musings on the subject I will discuss below. Now Locke got quite a number of things right, but this is one area where he fell short, as we will see.

The quotation from Jefferson above comes from a little letter written in response to a plea by the Danbury Baptist Association of Connecticut for the then newly elected President to use his influence to enhance religious liberty in the various states. At that time, many of the states were still very sectarian, the First Amendment being viewed as applicable only to Congress (a view which prevailed until 1947). The letter is most well known - even infamous, perhaps - for the phrase referring to “a wall of separation between Church and State,” used by the U.S. Supreme Court to justify hostility between government and religion in a way Jefferson never intended.

But in that same letter, Jefferson states a principle of far greater significance, broader in scope than mere religious liberty, which is unfortunately totally ignored by courts and the legal profession in general. Namely, that when properly understood and defined, natural rights and social duties (or if you will, private rights and public authority) *should never conflict* with each other. When such conflicts do arise, it is because either individual rights or government powers (almost always the latter) have exceeded their proper scope of authority.

If civil government would simply restrain itself and stop exercising powers it has no legitimate right to exercise, individual rights would always be preserved. Indeed, if that one little sentiment were practiced in real life, there would never be an occasion for civil disobedience. Unfortunately, we live in a world where natural rights are often neither recognized nor protected, and the scope of social duties imposed on people is far beyond anything Jefferson, the other American founders, or God ever imagined. The net result is that natural rights and social duties have been put on a collision course, with natural rights always being the loser.

And far from being extreme, I suggest that civil disobedience is in fact a natural, logical and predictable response when individuals are subjected to unrelenting government overreach.

¹ Author’s Note: **This essay is a companion piece to my essay on *The Right to Alter or Abolish the Government*.** Many of the principles explained there are applicable here, so rather than repeating them here, I will simply refer back to that prior essay. If you have not yet read that essay, go read it first and then come back to this one. Seriously.

But it isn't as if natural rights and social duties are *equal*. It would have been a stronger statement if Jefferson had said, *a man has no valid social duties in opposition to his natural rights*, rather than the other way around. For as between social duties which originate with men, and natural rights which originate with God, *natural rights must always prevail*. Social duties are always subservient to natural rights, because things created by man are always inferior to things created by God. This principle is the root of all justifiable civil disobedience.

And the case can be made, if the Danbury correspondence is examined in its full context, that Jefferson intended we should always give preference to natural rights. But rather than leaving it to implication or some extended proof, I defer to a statement by William Blackstone made just a few years before Jefferson, which Jefferson was no doubt building upon:

"Upon these two foundations, the law of nature and the law of revelation, depend all human laws; that is to say, no human laws should be suffered to contradict these."²

In other words, man's laws must always yield to God's laws. As both Blackstone and Jefferson well knew, natural rights are granted by God and are supported by the laws of nature and nature's God (in Blackstone's terminology, *the law of nature and the law of revelation*). Whereas social duties, arising from the exercise of civil power which has its origin in the consent of the governed (*i.e.*, man, not God) and is supported by human laws, ought not be suffered to contradict God's laws and natural rights.³

For the remainder of this essay, I will use the phrases *God's laws* or *laws of God* interchangeably with *the laws of nature and nature's God* - which means I define God's laws very broadly. I will use the term *natural rights* to refer to those rights God gives to all men. Of course, it remains to be determined who has what natural rights, how conflicts of rights and authority are to be resolved, and who gets to decide these matters.

For the moment, let me just summarize where this essay will take us. **Greater are the rights God grants to people, than any lawful authority wielded by civil government.** This must necessarily be so, if Jefferson and Blackstone were *right*. And if they were *wrong*, then it would call into question many fundamental aspects of our legal heritage over the last 250 years. Of course, it can be argued this is exactly what has already taken place, since many of the fundamental principles of law our nation was built on have been ferociously attacked in recent decades. However, I believe Jefferson and Blackstone were right, and I will attempt to prove it.

I also have a bone to pick, as it were, with previous articulations of the right of civil disobedience

² Wm. Blackstone, *Commentaries on the Laws of England*, Vol. 1, Intro §2 (1765).

³ Of course, civil disobedience is not limited to conflicts between God's law and man's law. Conflicts between laws promulgated by rival political groups, political philosophies, and especially when one nation conquers another, can also give rise to instances of civil disobedience. But for present purposes, **I will consider civil disobedience only as it relates to a claimed justification based on higher law** (*i.e.*, God's laws or the laws of nature and nature's God).

by others. I will articulate a right to civil disobedience (compared to most other commentators) which extends to a broader range of natural rights, has a lower threshold for being properly invoked, and is not tied or constrained by the doctrine of lower magistrates, community values, or whether one is a Christian. Judge for yourself whether my conclusions are fully supported by biblical and *lonang* principles (*i.e.*, the laws of nature and nature's God).

THE GRAND BARGAIN THAT NEVER WAS

John Locke meant well - he used scripture as a basis for many of his writings on law, government, and *political society* (his term). But ultimately, Locke propounded a huge lie - that as part of the process of erecting a stable and effective government, individuals must jointly *give up some of their natural rights* in order to achieve true liberty and other benefits of a peaceable state (I will explain this in the next section). Even John Jay bought into this lie, stating:

Nothing is more certain than the indispensable necessity of government, and it is equally undeniable, that whenever and however it is instituted, the people must cede to it some of their natural rights, in order to vest it with requisite powers. *Federalist No. 2* (1787).

This view is both echoed and carried to its logical extreme by Jean-Jacques Burlamaqui, who proclaimed, "the civil state, which procures this liberty to mankind, is of all human states the most perfect, the most reasonable, and of course the true natural state of man."⁴

Thus were the seeds of *statism* sown in Western law and culture, long before any of us were brought to life. I must say, my respect for these esteemed authors is somewhat diminished after re-reading their master tomes with fresh eyes. Especially since these men, on many occasions, attempted to ground their thinking on biblical principles and examples. But here I find their thinking gravely flawed. Jay's error is particularly grievous (commingling natural rights with civil powers), although this point was eventually sorted out by the 9th and 10th amendments to the U.S. Constitution, discussed below.

Statism is the belief that civil government should have substantial centralized control over social and economic affairs, that is, the private sector. We don't like to think this way, or admit it when running for elected office, but the United States of America is right now in the firm grip of statism. I'm not just speaking of the federal government, but civil government as a whole in America - federal, state and local.

With the recent rapid growth of the regulatory state, questions of civil disobedience naturally arise. These questions have always been with us, but they keep becoming more and more pressing. Federal and state regulations of purely private conduct have reached unprecedented levels that only two generations ago were unimaginable. Instead of merely being told what they can or cannot do, people are now told what they *must* do in their private dealings or else suffer some form of

⁴ Jean-Jacques Burlamaqui, *THE PRINCIPLES OF POLITIC LAW* (1752), ch. 3, par. XXVI.

punishment. Who they must hire, what they must buy, how much they must pay, what views they must allow in their private associations - things everyone used to believe were not any of civil government's legitimate concern. Oh wait - I still believe that.

Statism, left unchecked, always gives birth to tyranny. And opposing tyranny is the driving force for civil disobedience. In other words, statism leads to an increase of governmental excess, which civil disobedience seeks to hold back and disrupt. In physics, for every action there is an equal and opposite reaction (Newton's third law of motion). Similarly, in the realm of government, the more people are regulated in their private affairs, human nature and history both teach us that there will be proportional pushback.

Mostly, people will pushback against government excess with civil disobedience. But when government digs in and doubles down its oppression of natural rights, the people will eventually rebel and revolt. So civil disobedience, in a certain sense, is an attempt to relieve excessive governmental pressure before the whole thing explodes. Rather than fearing civil disobedience, we should understand and even embrace its function as an essential safety valve for political society.

If we do not embrace civil disobedience as serving this valuable function, the result will be an emboldened class of public officials who will see no impediment to escalating their overreach, which will only lead to more tyranny, and eventually armed resistance (*i.e.*, **war**). So I say, let's get out ahead of the problem while we still can, and try to avoid disaster.

Yet, before jumping directly into the matter of civil disobedience, I will first lay a substantial foundation for understanding what this thing is, that we call civil government.

Political Society vs. A State of Nature

John Locke

John Locke, in his [*Second Treatise of Government*](#) (1690) stated certain principles of government that many consider to be the initial basis for American society. For sake of brevity, I will rephrase his argument. You can easily look up his treatise to check my summary of it.

Mankind started out under the law of nature with every individual free, equal and independent. In this *state of nature*, every man possesses not only the right to protect his own life, liberty and property, but also to punish violations of the law of nature with respect to any and all others as each person thinks best. The nature of every political society is such that each individual must give up this right to punish others in favor of the community, *except to the extent* each person retains the right to appeal to the community for law enforcement for his own sake.

Apart from this limited right of appeal [what we today would call the *right to petition* the government - or lobbying, in some cases the *right to protest*, and in a judicial context the *right to sue*], all law enforcement authority (and the right to judge disputes) vests exclusively with the community (according to Locke). It is therefore the job of political society to fix the proper

punishments that each offense against the law requires.

However, even though every man surrenders his power to enforce the laws of nature, he is nevertheless obliged to offer his services to the community to enforce those laws for the common good whenever called upon. Locke reasons this is justified because the community consists of each person's representatives, so when the community enforces the law, it is really each person acting to enforce his own personal judgment.

The conclusion of which is that unless this exchange takes place - where each person gives up their own right of enforcement and is willing to be employed to enforce the laws of society when called upon - no civil society truly exists. In other words, **this exchange is the very definition of civil or political society**. And finally, when a true civil society exists, each member of it is *removed* from a state of nature.⁵

I agree that mankind started out under the law of nature with every individual free, equal and independent. But everything else said by Locke is mere extrapolation from the present going back in time as though nothing has changed in the interim, contrary to the witness of scripture. The chief example of which is Cain in Gen. 4, who having killed his brother surmised correctly that human nature was such that others might want to avenge Abel by killing Cain.

Yet, that was not God's perspective. In Gen. 4:15, we are told, "Then the Lord said to him, 'Not so! If anyone kills Cain, vengeance shall be taken on him sevenfold.' And the Lord put a mark on Cain, lest any who found him should attack him." The clear inference of which is that in this early time, back before the existence of nations or any civil society - Locke's proverbial *state of nature* - no one *in fact* had the authority to punish Cain.

In other words, the scripture *denies* that any person ever had the *natural right* (*i.e.*, a right springing from creation) to punish violations of the law of nature with respect to any and all others as each person thinks best. The natural right Locke theorizes every individual gives up when entering political society, never actually was a natural right. So everything else built on this premise must fail. Note, I am not here (nor is Locke) talking about *self-defense*, which is a *bona fide* natural right, but rather we are considering whether there is a natural right to general law enforcement, or what political writers generally call *police power*.

Did God give to all men since creation the natural right to a general police power? Locke said *yes*, I say *no*. When the right to punish crimes was given to men by God in Gen 9:6 (roughly 1600 or so years after Cain), it was given to every person as a descendant of Noah, but not technically *as a matter of natural right*. That's because the right did not originate at the time of creation, but only came along later. It is a *universal* right arising from a divine covenant (the Noahic covenant), not a *natural* right springing from creation.

⁵ John Locke, *Second Treatise of Government* (1690), §§87-89.

This distinction is important. Locke's assertions put a *state of nature* (including all natural rights to law enforcement, *if any*) in opposition to a *political society*, such that they are mutually exclusive. When you are in one status, according to Locke, it precludes you from being in the other. But there is no incompatibility between political society and natural (*i.e.*, God-given) rights which is recognized in scripture. According to scripture, we carry our natures around with us everywhere we go, including within any civil or political society, and this nature is a part of each one of us until we die. If this is the case, then how can anything else inextricably tied to our physical natures - such as our natural rights - be separated from us unless and until we die?

If, in fact, our natural rights belong to us unless and until we die, then those rights are *inalienable* - meaning quite literally, incapable of being transferred or deprived by men or society. Death and death alone terminates our natural rights.

So by definition, it is impossible that anyone can, should or must transfer any natural rights to society as a condition of membership in that society, because all such rights are inalienable. Further, upon entering into any political society, it is impossible that our human nature should be changed as a result. Even if the initial members of that society did transfer their natural rights by consent, they could not deprive their posterity (you and me) of *our* natural rights. To say that anyone gives up their natural rights when entering political society, is to *deny* that such rights are inalienable.

Sure, the people in any society *may delegate some* law enforcement authority to their civil government, but such act does not thereby deprive the people of any retained law enforcement authority.

Further, the scripture nowhere indicates the exchange Locke alludes to has any part in the consideration of what the proper function of civil government is. The scripture only says that the function of civil government is to "to punish those who do evil and to praise those who do good," (1 Pe 2:14). To *praise those who do good* is generally understood in America to mean the protection and security of individual rights, not the transfer or deprivation of them. If you have some biblical proof that God expects anyone to give up what God has given him in order to participate in civil society, I'd like to see it.

Most certainly, no person is ever in any legal sense removed from the *law of nature*, because that law applies to all men, in all places, at all times, until the end of time. The mere *addition* of the laws of society (or, the laws of men) to any person does not operate to *remove* the laws of nature (part of the laws of God) from those persons. So this whole exchange that Locke puts at the very core of what it means to have a civil society is nothing but a total fiction. To be removed from a state of nature, in the way Locke means it, is tantamount to cutting off God's jurisdiction over us when we become members of a civil society. And that just ain't gonna happen.

Also, it is true that representative government acts on behalf of every individual member of society. But it is foolish to presume each and every civil law to be in accordance with the personal judgment of every individual. It is also foolish to assume every civil law will, in fact, be in the best interests of every individual member of society. Locke sets up a scenario in which civil laws will never be

in conflict with individual rights, just because the laws emanate from a representative government acting on behalf of the people. But history is full of examples when legislatures enact stupid laws, bad laws, and prejudicial or injurious laws. Is there some compelling reason why we should pretend, as a legal fiction, that such laws conform to the judgment of all persons represented in the legislature? No, indeed.

James Wilson

Contrast Locke's view with that of James Wilson, signer of the Declaration of Independence and the U.S. Constitution, also a U.S. Supreme Court justice:

What was the primary and the principal object in the institution of government? Was it – I speak of the primary and principal object – was it to acquire new rights by a human establishment? Or was it, by a human establishment, to acquire a new security for the possession or the recovery of those rights, to the enjoyment or acquisition of which we were previously entitled by the immediate gift, or by the unerring law, of our all-wise and all-beneficent Creator?

The latter, I presume, was the case: and yet we are told, that, in order to acquire the latter, we must surrender the former; in other words, in order to acquire the security, we must surrender the great objects to be secured. * * *

After all; what is the mighty boon, which is to allure us into this surrender? We are to surrender all that we may secure "some:" and this "some," both as to its quantity and its certainty, is to depend on the pleasure of that power, to which the surrender is made. Is this a bargain to be proposed to those, who are both intelligent and free? No. * * *

"Man," says Mr. Burke, "cannot enjoy the rights of an uncivil and of a civil state together." By an "uncivil" contradistinguished from a "civil" state, he must here mean a state of nature: by the rights of this uncivil state, he must mean the rights of nature: and is it possible that natural and civil rights cannot be enjoyed together? Are they really incompatible? * * *

If this view be a just view of things, the consequence, undeniable and unavoidable, is, that, under civil government, individuals have "given up" or "surrendered" their rights, to which they were entitled by nature and by nature's law; and have received, in lieu of them, those "civil privileges, which society has engaged to provide." ... [And] then, under civil society, man is not only made for, but made *by* the government: he is nothing but what the society frames: he can claim nothing but what the society provides.⁶

Now there's a guy who gets it - who had his head on straight. Thank God he was a significant part

⁶ James Wilson, *Of the Natural Rights of Individuals*, 1790-91.

of the founding of America. He even took Blackstone to task - and rightly so - for characterizing the rights of personal security, of personal liberty, and of private property, not as natural rights, but as the *civil liberties* of Englishmen. Why, oh why, did America so willingly abandon the foundation that James Wilson had laid?

Civil Government as the Supreme Human Achievement

Jean-Jacques Burlamaqui

Now, let's look at Jean-Jacques Burlamaqui who, writing about 60 years after Locke in [The Principles of Politic Law](#) (1752), ups the *ante* quite a bit. Again, for the sake of brevity, allow me to rephrase his arguments:

Natural liberty is the right, which nature gives to all people, of conducting their affairs as they wish, on condition that no one abuses their natural liberty to the prejudice of others. [Here he makes the legal argument, essentially, that one man's freedom to swing his arm ends where the other man's nose begins.]

This natural liberty is distinguished from *independence*, which mankind is unsuited for, since we are always *dependent* on the laws of God. He then argues that human liberty is entirely consistent with dependence on a sovereign and submission to his laws. In fact, the power and protection of the sovereign forms the greatest security of personal liberty. For this reason, the condition of being dependent on a superior sovereign is better than being in a state of natural liberty.

Civil liberty is therefore nothing more than natural liberty, divested of that part of it, which formed the independence of individuals, by the authority which they have conferred on their sovereign. Since civil liberty therefore is far preferable to that of nature, we may safely conclude (according to Burlamaqui) that the civil state is of all human states the most perfect, the most reasonable, and of course the true natural state of man. Ultimately, the institution of civil government brings people back to the observance of the laws of nature, from which they had strayed by the bad use of their liberty.⁷

Notice what Burlamaqui does. He first argues people are inherently dependent on God as the supreme sovereign, then leaps from there (without proof or citation of authority) to the assumption that people are better off being dependent on a civil sovereign, *i.e.*, a king. He notes that all human sovereignty is *derivative* (delegated by the people), but fails to consider that God's sovereignty is *original* (undelegated). So when he compares God's sovereignty and civil sovereignty, he wrongly treats them as producing an equal degree of dependence on the part of the people.

This, of course, is fallacious. It is certainly true that people (as God's creatures) are utterly

⁷ Jean-Jacques Burlamaqui, *The Principles of Politic Law* (1752), ch. 3, par. XV - XXVII.

dependent on the laws of the Creator. However, it is impossible for people to be utterly dependent on any civil sovereign which is, in fact, *the creature of the people*. We are dependent on the One who made us - *not* the ones whom we make (and vest with authority). Burlamaqui places civil sovereigns alongside God, above the people. But that is not where civil sovereigns belong - they are mere agents of the people, *below* the people in authority.

Biblical history clearly shows us that when God created the world and the human race, He did not create, impose or place any civil sovereign over the people. Mankind went for nearly a third of our total history without any nations (much longer, if you believe in evolution), and civil governments were only gradually introduced as those nations grew.

If we consider in biblical terms, that Gen. 9:6 (the institution of capital punishment) is the first instance of a grant of what might be called *civil authority*, we must also observe that at the time it was given (being immediately after the great Flood, when only eight persons were alive in the whole world), *there were no civil governments then in existence*. Indeed, before there could be any civil governments there first had to be *nations*, and nations did not come about for at least another century, following the dispersion at the Tower of Babel. The development of civil governments would have been slow and gradual from that point, such that they were only in an infant state by the time of Abraham, roughly 2000 B.C. (perhaps 250 years after Babel).

Theologians often like to point out that the period of Israel's history under the judges (roughly from 1450 B.C. to 1050 B.C.) was a time marked by every man doing what was right in his own eyes. See Jdg. 21:25. This is almost universally seen by commentators as a bad thing. And yet, *that was exactly the system God intended the Israelites should live under*. If God had intended for Israel to have a civil sovereign (*i.e.*, a king) He would have given them one from the beginning.

Yes, we all know ancient Israel transformed into a monarchy with God's permission beginning with Saul, but it can hardly be argued that is what God intended all along. In fact, God warned the people that the king they were asking for would end up being oppressive. See, 1 Sam 8:11-18, the last verse of which is as follows: "And in that day you will cry out because of your king, whom you have chosen for yourselves, *but the Lord will not answer you in that day*." In other words, "you're gonna get what you asked for, and tough if you don't like it."

Burlamaqui asserted that "the civil state is of all human states the most perfect, the most reasonable, and of course the true natural state of man," the ultimate achievement of which would be to bring people back to the observance of the laws of nature. *Malarky!* Students of history will know that as nations "progress," they almost inevitably become more tyrannical. Yes, God wants us to have good (righteous) civil government, but you're never going to achieve that by building on the foundation laid by Locke, Burlamaqui, and similar writers.

True Progress v. Progressivism

It is amusing to read the historic legal writers, who: a) talk about the *state of nature* like it was some primitive developmental phase in human progress; and b) talk about the creation of civil

governments or bodies politic as a mutual means of producing *happiness* for the most people. I sincerely doubt whether any early civil society was formed on that basis. Rather, following Babel, people were necessarily isolated from each other by reason of language which formed a barrier that initially no one could overcome. People were driven of *necessity* to trust only those with whom they could communicate, and to distrust all others. This is the true origin of all civil societies - not mutual consent or happiness, but linguistic distrust.

All the descendants of Noah, to whatever family group (or nation) they belonged, carried with them - each individually and not in any corporate sense - the authority to inflict capital punishment, and if you will, the power to form a civil government. All this preceded the actual existence of any civil bodies politic, in fact. So for anyone to claim that the *civil state* is "the true natural state of man" is an absurd assertion, for clearly God did not think it necessary for a civil state to exist before giving mankind *civil authority*.

Similarly, merely by virtue of the fact that God created mankind and allowed people to exist without civil government for nearly 2,000 years, it can be inferred that civil government never was, nor indeed never will be, absolutely essential to human existence. God gave Adam, Noah and their descendants everything - including every social institution - they needed to survive, and indeed, thrive. I argue that there is nothing, in fact, *natural* about civil government. God gave no one a civil government, and civil governments did not arise from the creation of the world. Every civil government is an *artificial contrivance* - there is nothing natural about them.

Thus, the true progress of the human race is not so much measured by the achievement of a powerful, efficient and ever-present civil government (*i.e., progressivism*), as it is the struggle to form societies of mutual benefit for reasons other than mere necessity, subjugation, or sustaining the burden imposed by prior generations. In other words, the real progress of humanity is to form civil societies where there is more and more true freedom and liberty. If you are inclined to follow John Locke, then the best civil society is where all men are (still) born free. *Cmp., Locke's First Treatise of Government* (1680).

And as far as the formation of civil societies is concerned, I see the formation *process* more in terms of a *delegation*, not an *alienation*. An alienation is a transfer, or giving up or surrender of something, such that the person who does it no longer has it. Thus, when you alienate a piece of property, you transfer it to another and do not retain any interest in the rights transferred. Yes, you can transfer less than the whole, and retain a partial interest, but the interest you transfer cannot come back or be exercised by you.

A delegation, by contrast, is where a principal grants a limited authority to an agent (such is the relationship of the people and any civil government they form). However, the principal *retains* the authority which has been delegated, and in fact the delegation can be revoked. The delegation is for the convenience of the principal, so that they are not *required* to exercise the delegated authority in every instance where it may be desired. Yet this does not *deprive* the principal of the right, whenever convenient, to exercise that same authority when desired. The principal, if they so desire, can *disregard* the agent and act on their own behalf at any time.

And as between the principal and the agent, who is always superior? The principal, *i.e.*, the people - *not* the civil sovereign. And so now, in Reformation style,

I *affirm*, that there is no true incompatibility between civil society and a person's natural rights, a man has no valid social duties in opposition to his natural rights, and no human law should be suffered which contradicts this.

I *deny*, that I at any time surrendered, or that any of my ancestors could rightly surrender on my behalf, any of the natural rights given to me by God at my birth, so as to deprive or limit my use of them in civil society.

All of the natural rights God gave me (as one of The People), I still have without reduction as a member of civil society - and I am free to use any or all of them whether civil society wants me to or not. Because how I use my God-given rights is strictly between me and God. And the same goes for you.

THE NATURE AND EXTENT OF NATURAL RIGHTS

It now falls to us to determine the nature and extent of our natural rights, seeing as how they have not truly been given up. Or, how can I assert my rights, unless I first know what they are?

All Natural Rights Are Individual Rights

It has long been recognized that all *natural rights are inherently individual, not corporate*. Why is this important? Because *civil governments have no rights*, they merely have powers. Powers and rights are two different things. Therefore, when there is any conflict between individual rights and government powers, *the government must always yield to the individual, and not the other way around*. Let's go through the analysis, step-by-step.

1. All natural rights are God-given and inalienable. All natural rights are the birthright of every human being. Which means that we obtain these rights when we are born, and that these rights are part of our very nature. The fact that we are born is by itself sufficient evidence of having natural rights. And when you factor in the existence of a Creator God, it means that all natural rights are properly understood to be *God-given rights*. Our natural rights originate with God, not in mere materiality.

In other words, it is ***not*** the fact we are made from the dust of the earth which vests us with natural rights. Rather, it is the fact that God breathes into us the breath of life. (If you want to do a neat Bible study, look up all the correlations between *life, breath* and *spirit*.) Note the correlation between life and breath in these verses. *Not breath = Not Life*, therefore, *Life = Breath*.

then the Lord God formed the man of dust from the ground and *breathed into his nostrils the breath of life*, and the man became a living creature. (Gen. 2:7.) In his hand is the life of every living thing and the breath of all mankind. (Job 12:10.) The Spirit of God has

made me, and the breath of the Almighty gives me life. (Job 33:4.)

The fact that our natural rights come from the Creator makes those rights *inalienable* - *i.e.*, they are incapable of being transferred or deprived, except by our voluntary choice or actions, and then only for ourselves, not for any others or our posterity.

We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. *Declaration of Independence* (1776).

2. All natural rights are individual and not corporate. The law of nature's God is quite clear that the nature of all sin is individual, the nature of redemption is individual, and the nature of the Church covenant is individual. Ezek 18:20; Acts 10:43; Rom. 1:16. The same is true for all spiritual authority, spiritual gifts and spiritual offices - all are individual, none are corporate. 1 Cor. 12:11; Eph. 4:7; Heb. 2:4. There is no collective salvation in the laws of nature and nature's God, no matter what you may have heard a former President say. With God, all responsibilities and duties - and therefore authorities - are individual.

So why would God deal with mankind differently in dispensing natural rights - for what are rights, except one more attribute of authority? God has a *modus operandi* here, and it is to deal with people individually. Further, in dealing with all people universally, God also deals with all individuals on an equal basis. Which means that every person is born with the same natural rights, and in the same degree (or extent of authority) as every other person. *All men are created equal* - a sentiment universally adopted by the American founders.

SECTION 1. That all men are by nature equally free and independent, and have certain inherent rights⁸

If "all men are by nature equally free and independent," all men are to be considered as entering into Society on equal conditions; as relinquishing no more, and therefore retaining no less, one than another, of their natural rights.⁹

But more to the point, it cannot possibly be any other way. If we are vested with natural rights by virtue of being born, then how are we in fact born? *Individually*. Not even twins or triplets are all born at the same instant. There are no group births or corporate births. Therefore, natural rights can only be vested on an individual basis.

3. Accountability for our rights runs solely to their source. It would be the height of illogic to claim that we are accountable to government (or even our neighbor) for the use of rights which we obtain from God alone. The accountability for the use of any delegated authority runs to the source

⁸ *Virginia Declaration of Rights* (1776).

⁹ James Madison, *Memorial and Remonstrance Against Religious Assessments* (1785).

of the delegation. For that is what every right really is: *right = authority*. If God grants natural rights to every person, to whom are we accountable for the exercise of those rights? To God and God alone - this is the law of nature. James Madison understood this:

The Religion then of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate. This right is in its nature an unalienable right. ... It is unalienable also; because what is here a right towards men, is a duty towards the Creator. It is the duty of every man to render to the Creator such homage, and such only, as he believes to be acceptable to him. This duty is precedent both in order of time and degree of obligation, to the claims of Civil Society. Before any man can be considered as a member of Civil Society, he must be considered as a subject of the Governor of the Universe ... with a saving of his allegiance to the Universal Sovereign.¹⁰

I submit to you that the logic and rationale of Madison's argument pertaining to the inalienable right of religion necessarily applies with the same force to *every* natural/inalienable right. Thus, *all* natural rights are incapable of governing by force or violence (the realm of civil government), but must be left to the conviction and conscience of every man. *All* natural rights precede the claims of civil society in time and priority, and are reserved (*i.e.*, our allegiance is saved) solely to God. And *all* natural rights are both *a right towards men*, and *a duty towards the Creator*. Since all such duties are owed to God, then that is where accountability for the discharge of those duties belongs, as well.

Thus, we are accountable for the use of our *civil* rights to the source of those rights, *i.e.*, the civil government. But if our *natural* rights come from the Creator, then to give homage to civil government for them is a slap in the face of God. There is no civil power - it simply does not exist, and never has - which can command a person in the use of his or her natural rights, constrain or limit them, or require anyone to give an account for the use of such rights to civil government.

Natural rights are part of God's reserved jurisdiction - which simply means God has not delegated to mankind the full extent of His own authority (more on this later). Some laws no man can enforce, and when civil governments attempt to enforce those things, they usurp the Creator (never a good thing). Our natural/inalienable rights are one of those things God never gave to any man or group of people the authority to oversee. The scriptures speak plainly of God's reserved jurisdiction:

And He said to them, "Then render to Caesar the things that are Caesar's, and to God the things that are God's." Lu. 20:25. "I, the LORD, search the heart, I test the mind, even to give to each man according to his ways, according to the results of his deeds." Jer. 17:10.

4. Civil government should secure and protect our rights. So instead of suppressing, discouraging or violating my natural rights, public officials should rather encourage, strengthen and protect them,

¹⁰ *Ibid.*

and the use of them as between me and God alone.

That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed. *Declaration of Independence* (1776).

Government, in my humble opinion, should be formed to secure and to enlarge the exercise of the natural rights of its members; and every government, which has not this in view, as its principal object, is not a government of the legitimate kind. (James Wilson, *Of the Natural Rights of Individuals*, 1790-91.)

I could here embark on a long proof of *why* it is civil government's job to secure and protect my natural rights. But instead, I will simply remark that because the Declaration of Independence says the government of the United States was formed for that reason, then it is an unbreakable commitment so long as this nation exists. The obligation to protect my rights precedes in both time and priority whatever the U.S. Constitution may say or be interpreted to say. Specifically, nothing in the Constitution can grant to the U.S. Supreme Court or any other federal official the right, power or authority to contradict the Declaration. As America's charter, the Declaration is supreme - the Constitution can be altered or abolished, but the Declaration cannot.

As for other nations, I refer back to 1 Pet. 2:14 and the universal admonition for all human institutions to "praise those who do good." How can any government praise what is good by attacking, suppressing, or undermining the natural rights God has given? God did not give us natural rights, only to later empower civil government to ignore them, subvert them, or deny them. Whatever powers civil government has, it takes subject to the preexisting natural rights of the people.

5. *Civil government (as such) has no natural rights.* In other words, neither any nation or other political society, nor any civil government, nor any civil ruler or public official, has any natural, inherent, inalienable or God-given rights, *in any of those capacities*. Of course, every person working for the government has their own natural rights, and merely because of their job they do not lose any of such rights. But neither do they - solely by reason of their position - acquire any *additional* rights that the rest of us don't also have.

And the reasons for this are: *First*, that no nation or civil government is an individual person to whom God gave the breath of life, nor is any civil government born as part of any procreative process. Civil governments are *made* (just like a contract is made), but they are not *born*. All civil rulers and public officials who receive any kind of authority from a nation or civil government, therefore, can only wield such authority as has been delegated to it (not by God, but) by the consent of the people. And natural rights, as such, cannot be transferred from one person to another, much less to an *artificial* person (*i.e.*, an entity).

Second, all the powers nations and/or civil governments have are delegated and derivative (*i.e.*, granted by the consent of the governed and not because of their inherent nature). Which also means that when people consent to form a government, they can only vest it with *less* than what the people

have to begin with. No matter how much power and authority the people grant to their government, the people - as the one true source of it - will always retain some attributes of power and authority that remain undelegated. The people never exhaust themselves of all power and authority to the point where they are left with *nothing*. Therefore, the people always have *more* power and authority than what the government has.

This fundamental understanding is built right into the U.S. Constitution. Consider the 9th and 10th Amendments:

ARTICLE IX - The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X - The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Do you see the difference between these two provisions? The 9th Amend. says the people (*i.e.*, individual members of society) have *rights* that have been *retained*. The 10th Amend. says the states and the people have *powers* that have been *reserved*. So the people have both rights and powers the government does not have, but the states have only powers, not any rights. So who is the greatest, and who is the least? People are the greatest, states are next, and federal government is the least. (I by no means disparage the authority of the private sector, which is placed squarely among the rights of the people, and therefore are at the top of the food chain.)

6. All civil powers are inferior to the rights of the people. *First*, this logically follows from all that has just been said. *Second*, just because you get a large number of people together who agree to do something, does not mean that the group has more authority than any of its individual members.

Here is an inconvenient truth from the law of nature: *you can never transfer to someone else (or delegate to someone else) any thing or any authority you yourself do not actually possess.*

For example, if you do not individually have any rights over your neighbor's property, you cannot get together with a bunch of your fellow citizens and *collectively claim* the right to tell your neighbor what he can and cannot do with his property. Your fellow citizens stand in the same shoes as you do with respect to your neighbor's property. Merely putting a bunch of people together, none of whom has any rights over your neighbor's property individually, does not somehow magically transform into a larger or superior right vesting in the group.

Nor can you delegate any authority over someone else's property to your city council, because you never had that authority to begin with. Next time you think about zoning laws (or the majority of common municipal ordinances), remember this. I said it was *inconvenient*, remember? But true.

Furthermore, it is also impossible for the people to grant to their civil rulers a power *equal to* what the people had to begin with. Why? Because this fundamental law of nature has a sister principle (if you will, another inconvenient truth). Namely, that no one can *create* anything equal to or greater

than themselves. Even God is completely and utterly unable to create anything equal to or greater than Himself. All of His creations and creatures are necessarily inferior to Him.

Similarly, people are completely and utterly unable to create anything equal to or greater than ourselves. Everything we create is inferior and subordinate. Therefore, the machines will never rise up and defeat mankind. Artificial intelligence will never outsmart us. Computers may make calculations faster than people, but they will never be our equals. Similarly, mankind will never rise up and defeat God (although we will try more than once), nor will we ever be as wise as Him. Nor can any human become truly divine. We will never be God's equals. We are His creatures. Period.

Everything created is less than its maker - *including civil government, which is the creation of the people*. Civil governments are inevitably, invariably, and incontestably inferior to the people. Civil government is not our master, we are its master. And don't ever forget it. (As far as I am concerned, this is a very convenient truth.)

7. *When natural rights and civil powers conflict, rights always win.* Yep, that's the bottom line.

Of course, the world is evil and corrupt, so in humanity's experience civil power actually trounces on natural rights rather routinely - almost exclusively, in fact. But in God's economy and polity, we must continually push back against that evil, striving to bring about more of that true progress for the human race which is measured in expanded freedom to do God's will. In the midst of that conflict, it is easy to lose sight of the end goal, so let me clearly mark the goal here: *it is God's will that we keep pushing society in the direction that enables natural rights to win over civil powers in cases of conflict more and more.*

A Partial Enumeration of Natural Rights

Now let me list the natural rights I have been talking about, mainly for the purpose of showing how comprehensive they are, without necessarily trying to completely identify all of them. In other words, our natural rights go *far beyond* the rights named in the *Declaration of Independence* (life, liberty and the pursuit of happiness) and those which are named in the *Manhattan Declaration* (sanctity of life, sanctity of marriage, and religious freedom) - which I will discuss later on.

Therefore, all of the rights which follow are matters in which we are accountable solely to God, and not to any government, or even our neighbor. Consequently, *all these same rights are matters which may legitimately be the subject of civil disobedience.* Here is the (partial) list:

Life - the right not to be maimed or tortured, or suffer the infliction of cruel or unusual punishment, nor to be killed except in military service or for the commission of a capital crime.

Personal liberty - the right not to be restrained or imprisoned except upon proper conviction of a crime, nor to be kidnapped or rendered to or from any location, or held in any secret place.

Individual responsibility - the right not to be held accountable for the sins, crimes, debts or

liabilities of anyone else, including family members.

Contract - the right to make or refrain from making contracts, or choose to make contracts with some people but not others, in each person's absolute and unfettered discretion, for any lawful purpose whatever.

Association - the right to associate or refrain from associating with others, in each person's absolute and unfettered discretion, for any lawful purpose, (including without limitation in employment, labor and social or religious groups).

Occupation - the right to choose any lawful career or line of business without first getting government permission, and for any business owner to set hours, wages, prices, and employee benefits in each person's absolute and unfettered discretion.

Monopolies - the right to restrain and prevent any civil ruler or government from favoring any business or enterprise over others, and from bestowing the exclusive right to do business on anyone.

Private property - the right to own, use, and control one's own property in each person's absolute and unfettered discretion, without government permission or regulation, so long as such use does no waste, nuisance or injury to another person or their property.

Agriculture - the right to possess, cultivate, grow and utilize any plant (for food, medicine or any other purpose) without government permission, regulation or control, including without limitation the right to make, use and sell alcoholic beverages and plant derivative substances.

Self-government - the right to govern one's own affairs and personal conduct in each person's absolute and unfettered discretion, without government permission or regulation, so long as such conduct is neither immoral nor criminal. There is no right to define or alter one's own sexual identity or gender.

Privacy - the right to engage in transactions anonymously if the other party is willing, to keep one's finances and property private, and to avoid having one's communications, travels or dealings surveilled, tracked or monitored by any government instrumentality or contractor.

Marriage - the right to marry one person of the opposite sex by mutual consent, including the right to a common law marriage, and the right to remarry after the death or divorce of a spouse.

Children - the right to conceive and bear any number of children within a lawful marital union. There is no right to conceive out of wedlock or by using a donor bank, nor to bear children via a surrogate.

Physical care - the right of parents to choose the manner, means of the physical care of their minor children, and to determine the level of provision, in their sole and unfettered discretion.

Discipline - the right of parents to choose the manner and means of instilling discipline and administering correction of their minor children, in their sole discretion and without government interference, short of doing any actual injury.

Education - the right of parents to choose the manner, methods and subjects of the education of their minor children, and to choose their instructors (including themselves) in their sole and unfettered discretion. There is no right to either receive or provide a government-sponsored education.

Expression - the right to speak, write, publish or record one's own views on any subject whatsoever without government regulation or censorship, except for the offenses of profanity, defamation or obscenity. Government may not prohibit any expression considered to be heresy, blasphemy, or sedition.

The rights of **Religion - Conscience - Teaching - to Evangelize (proselytize) - Travel - to Bear Arms - Due Process - Criminal Procedure** - that *crimes should be limited to offenses specified in the laws of nature and nature's God*, yada, yada, yada. Do I have to spell them *all* out for you? Did you think this was going to be a short list? I *told* you it was a long list, and only a partial one.

LAWS OF THE NATURE OF AUTHORITY

The mistake people have made historically is to assume that civil government is this great achievement and/or supreme authority given among men, and then try to figure out how civil disobedience fits into that assumption. I have given you several reasons already why you should have a reasonable doubt that this is the proper starting assumption.

But before we can see how civil disobedience and civil authority truly fit together, we need to understand the nature of authority in general according to the way God has revealed it. So once again let's resist the urge to jump to the bottom line, and make sure we clearly see the big picture of man's authority on this earth. After that, we can see how civil power and civil disobedience relate to each other.

Here, I suggest, it is best to resort to first principles. However, I have covered this ground before, particularly in *Legal Foundations: Framework of Law*, ch. 6 ("Jurisdiction"). Not wishing to go through all the proofs again, let me here start with the main principles that I reached as a conclusion before, and then see how much further we can take them.

God's Authority Framework

The Delegation Principle

All human authority is delegated, not inherent. Meaning, a) all authority ultimately belongs to God; b) some authority has been delegated to men; and c) God reserves for Himself all authority which has not been delegated. To which we can also add that accountability for any delegated

authority runs solely to its source. Now, specifically, what delegations of authority has God made?

God created four institutions of human society: individuals, families, nations and the universal Church, in that order. Plus, God allows people to create their own voluntary associations. So on the one hand, we have institutions created by God which derive their authority from God, and then we have associations created by man which derive their authority from their members (the consent of the governed).

Of the institutions created by God, each has been *delegated* a certain sphere of authority in which to operate. This delegation was made, in each case, in one of two ways: either by divine covenant, or by the law of nature (being the will of God impressed in the creation). Two of the delegations made by divine covenant are the ones made to *families* as part of the Adamic covenant (*i.e.*, the Dominion Mandate of Gen. 1:28), and the Great Commission (Mt. 28:18-20) given to the *universal Church* as part of the new covenant in Christ.

The one delegation made via the law of nature and merely summarized at a later date is the Greatest Commandment (Mat. 22:36-40) given to *individuals*. Civil power, as we have already discussed, was first given to individuals as part of the Noahic covenant (*i.e.*, the authority to execute murderers). Thereafter, when *nations* were formed, people delegated civil power to their respective forms of civil government. The nature of this civil power is summarized in the New Testament (1 Pet. 2:13-14).

Each of the institutions created by God has essentially two main purposes. For individuals, there is the love of God (morality and piety - or freedom of religion and freedom of the mind) and the love of our neighbors (which covers a whole range of topics on human interactions and the ways in which we wrong each other - including the laws of torts and crimes). Families have the twin purposes of child-bearing (which includes family interrelationships, sexuality and even education), and dominion (including economic rights and liberties, property, contracts, industry, labor, occupations and stewardship).

Nations have the dual purpose of punishing those who do evil (which means government should not punish doing good, nor should government be in the business of doing good things), and praising those who do right (which historically has been understood to mean that government should secure individual rights). And of course, the two purposes of the Church are to evangelize the lost and to teach all nations the laws of God (as explained in my essay [The Great Commission And God's Law](#)).

God has created these four institutions and given each of them certain authority which He expects each one to carry out. These tasks are not optional, but each institution is under a divine *duty* to carry out the authority God has delegated to it.

And the duty of each as well is to *refrain* from carrying out any of the authority delegated to the other institutions. Thus, each social institution has only the authority which God gave it. Which leads directly into the next principle.

The Limitation Principle

All human authority is limited, not absolute. Meaning, a) human authority extends only to that which God gives him; b) human authority is limited by the terms of the delegation; and c) no one defines his own jurisdiction.

So on the one hand God delegates authority to mankind, but on the other hand we dare not exceed the express terms of the various delegations (because as we have just seen, each social institution has a *separate* grant of authority). The express language used by God *limits* the authority each institution has, and we have no right to *expand* the scope of authority beyond what God has provided for. This has two primary implications.

First, there are no implied powers in life. Which is to say, *authority may not be implied in the absence of an express delegation* (that is, silence must be construed as a *restraint* on what we can do, and *not as permission* to do more). Contrary to popular wisdom, it is not better to ask for forgiveness than to obtain actual permission - at least not as far as God is concerned.

We already saw how this played out in the case of Cain (Gen. 4) - when the power to punish murder had not yet been *expressly* delegated, no one could claim it. Similarly, God gave mankind in the Garden, "every plant yielding seed that is on the face of all the earth, and every tree with seed in its fruit. You shall have them for food." (Gen. 1:29). Question - did this mean people at the time were allowed to, or prohibited from, eating meat? Answer - *prohibited*. Why? Because eating meat was not *expressly* delegated. We only need jump ahead to Gen. 9:3 (after the Flood) to see when the authority to eat meat was *expressly* delegated, confirming this analysis.

So when interpreting God's delegations of authority, anything not expressly delegated is denied - which is exactly the opposite of the way the world typically views things. People prefer to operate on the principle that unless God expressly denies something, we have a free hand to do whatever we want. But this is not the way God operates. We cannot imply (or assume) the existence of authority that has not been expressly given. Silence is not evidence of a delegation.

This is reflected in the constitutional principle of *enumerated powers, i.e.*, that unless the Constitution expressly grants a specific power to the federal government, it is reserved to the people or to the states (see, 10th Amendment). Which is again, of course, completely disregarded by the legal and political system today. Public officials *so* much prefer to assume that they have a free hand unless it has been expressly tied (not that they actually pay attention to any express limits either), even though the unambiguous history of the Constitution flat out prohibits that construction of it.

But no matter - we want to know how God operates, so we can better understand the scriptures.

Second, and this ties the Limitation Principle directly back to the Delegation Principle of God's reserved authority, *there are some things God has not given anyone the authority to do*. The things not delegated remain with God to deal with as He alone sees fit. And we have no right to step in and

expand our authority so we can fill in the “gap.” The fact is, there are some things God does not *want* us to handle, so filling the gap (by handling those things) is exactly the opposite of what God wants us to do.

Rather than doubling down and asserting our right to do the things we should not (the typical and oft repeated human response), we should instead pull back from doing these unauthorized things, and to restrain ourselves from indulging in the lust for power. Which at the same time explains where the inevitable human tendency towards tyranny comes from, and why it is so offensive to God. In the words of Benjamin Franklin, *Rebellion to Tyrants is Obedience to God*.

The Diffusion Principle

All human authority is diffuse, not concentrated. Meaning, a) God delegates authority via His covenants with people; b) God hasn't given any person total authority; and c) the diffusion of powers is the rule, that is, there are no exceptions.

What I mean here is that no one's authority is *exclusive* with respect to any basic social institution or sphere of God-given authority. Thus, as so ably taught by John Locke in his *First Treatise of Government* in 1680, all men are created free and equal with respect to each other, and no man is born with the right to rule over any other man. Similarly with families - each family unit is co-equal with every other family that ever was. No family is entitled to rule over any other family.

The same is true for churches, as well. No visible church is above any other visible church, and no visible church has any rightful claim to exclusively represent God, or speak for Him, or wield spiritual authority. God has a pattern, and He sticks with it - *no exceptions*.

Moving to nations, we see the same scenario playing out. All nations are co-equal and independent, and none has the right to rule any other nation. This is the plain assumption of the authors of the *Declaration of Independence*, claiming a right on behalf of the newly formed United States of America “to assume among the Powers of the Earth, the separate and equal Station to which the Laws of Nature and of Nature's God entitle them.”

Here we must draw a distinction which I have raised before, namely, that the equal status before God and among nations only applies to nations *as such*, and *not* to any civil government formed by the people of a nation.

Because governments are created by men, not God, no government has the inherent right to be the exclusive government of any nation. Nations can, and have, rightly dissolved and changed governments from time to time. No civil government has what might be called a *right to life* or even the right of self-preservation, *vis-à-vis* its own constituency. Against foreign powers, yes, but against the will of the governed, no.

We have already discussed how, on account of this, civil governments derive their authority from the people and not directly from God. Which ultimately means that civil governments do not stand

in the same position as nations in God's authority framework - a distinction which is absolutely crucial in understanding Rom. 13 and 1 Pet. 2, for example.

For there is yet one more corollary derived from the *Diffusion Principle* I will explore in the next section. Namely, not only do all individuals stand equally before God, and all families with other families, etc., but in the big picture, individuals, families, nations and the Church all stand equally *with respect to each other*. However, civil governments and visible churches *do not share in this equality* - for the creations of men can never stand equally with the creations of God.

I suspect you may need more convincing - so let's look at this matter in detail.

God, Caesar, and the Private Sector

Our ultimate goal, remember, is to understand the nature of civil authority and individual authority *in relation to each other*, in order to understand the nature of civil disobedience. And to do that, we have to look at both in the full context of God's authority framework. I suggest there are three main guiding principles:

1. *Individuals and families are co-equal with the Church and nations.* One of the remarkable beauties of God's system of authority is that none of the delegations to individuals, families, nations or the Church overlap with each other. If the various delegations of authority are read narrowly (*i.e.*, without implied or self-defined powers, or with a *strict construction*) then they never conflict. If you have ever read anything about "sphere sovereignty" before, you have probably seen Venn diagrams of overlapping circles showing, ostensibly, areas of intersection and/or overlap between the various "spheres," *i.e.*, individuals, families, nations and the Church - or something similar.

These diagrams seem to make sense (to those who don't know better), but they are another *lie*. There *are no* areas of intersection or overlap. The state has no interest in educating children - none whatsoever. The state has no interest in providing an economic safety net to *at risk* families - none whatsoever. All people have religious liberty, but only the Church has authority to spread the Gospel. I could give many more examples, but in the end God never expects the same authority to be shared by multiple social institutions. All families share the same authority to bear children (the *Diffusion Principle*), but child-bearing authority is never shared with individuals, the Church or nations. And so on.

To say otherwise is to deny and thwart God's revealed will concerning who has authority to deal with these things. Don't be seduced by the illusion of shared or overlapping authority. God is a clever guy - He is not the author of confusion. (1 Cor. 14:33). He is perfectly capable of keeping things straight. And He never delegates the same authority to two different institutions. Nor has He ever given one institution oversight or *supervisory authority* over any other institution.

When we follow God's design and plan, none of these basic institutions actually conflict with each other. When conflicts arise, it is inevitably because someone has assumed (*i.e.*, usurped) authority they do not actually have. This is not to say there can never be points of disagreement between

people as to which institution has rightful jurisdiction over a matter. But the progress of society is measured, in large part, by how well we have learned the lessons of history to help us determine when any given institution has overstepped its bounds.

When, as is common today, civil government and political society are stepping all over everyone else's toes and interfering in matters not divinely entrusted to them, it is an indication that society is moving backwards, not forwards - regressing, not progressing.

But chiefly, God's principles of authority show that I stand (individually) before God shoulder-to-shoulder with all other holders of divine authority. I am not above them, nor are they above me. When it comes to the private purposes entrusted to me (freedom of religion, freedom of the mind, and general dominion), I have *plenary* authority - total power and right - to exercise these as I see fit without interference by absolutely anyone on earth. And so do all individuals and families.

2. *There is no direct divine delegation of civil authority.* I noted earlier that visible churches and civil governments were not formed by God, but by people, and these are not to be confused with the invisible Church or nations, respectively, which were both created by God. I deal with the distinction between visible churches and the invisible Church at length in the essay, [Five Biblical Principles of Church Government](#). I deal with the distinction between nations and civil governments in [The Right To Alter Or Abolish The Government](#). So forgive me for not repeating here everything I said in those essays.

But the upshot is this: God never created any actual civil government by divine fiat - even the theocracy of ancient Israel was formed only by the express consent of the people. And in that case, having a king was never God's idea, but was the desire of the people. God reserved the right to *select* their king, but in each case the authority to rule sprang directly from the people. Ancient Israel followed the general rule, that all governments spring from the consent of the governed as stated in the Declaration of Independence, and this understanding rests on the bedrock principle that *God makes nations, and men make governments*.

The scriptures nowhere indicate that God either forms any civil government, or directly vests any person with civil authority or the right to rule others. And there certainly is no biblical principle by which we might understand that God is in the business of forming the civil government of any Gentile nation, or appointing any of their civil rulers.

Nor did God ever create any visible church body, assembly or denomination. No group calling itself a church on this earth is equivalent to the universal Church (the body of Christ) as created by God, regardless of what any of them might claim. The body of Christ is a spiritual concept only, over which no one has jurisdiction except Christ alone. All churches (small "c") are merely *voluntary associations* created by men, which are also subject to the consent of the governed. And whatever spiritual authority God handed out to members of His body belongs to all members equally - there is no hierarchy of authority among members of the universal Church.

Why do I make this point? Because it removes from the two most oppressive social forces in history

(*i.e.*, church and state) the possibility that either of them speaks for God, or that either of them wields divine authority. Yes, I'm talking about *your* church, and *your* nation/state, whatever they may be. Civil government has the general authority God delegated to nations (subject to the express delegations of the people), but public officials are accountable to the *governed* for the exercise of that authority - they are not accountable solely to God (remember, accountability runs to the source of authority). The exact same thing holds true for churches (prepare yourself): ministers and church staff are accountable directly and primarily to the *members*, and not solely or primarily to God.

I can almost guarantee you that anyone saying otherwise has a profound personal conflict of interest. If you hear either a public official or a religious minister tell you they are accountable only to God for their actions and *not* to you as a member of the public or as a member of the church, they have only one purpose in mind, and that is to limit your authority while expanding their own - a classic conflict of interest. Therefore, a public official and a religious minister are the *least* trustworthy and *least* neutral persons on earth to be advising you who they are accountable to.

With respect to civil government, we can make one further observation, namely, that *government is the mere agent of the people*. In other words, the authority of the people is primary and original, whereas the authority of civil rulers - all civil rulers - is secondary and derivative. As between the people and their government, the people are superior, and the government is inferior. Once again, civil government is not this super great thing, or ultimate achievement, to be held in awe and to which we owe total submission or passive obedience. It is a mere creature, not divinely invested, subordinate and inferior to the people. And therefore, not to be held up as the measure of obedience to God.

3. *Ungranted powers never default to civil government.* I hope you can see by this point that there are in fact *four* major players in society, not *two*. So casting social policy debates in terms of church vs. state, is generally misleading at best. If you want to make a generalization, go with Caesar vs. the private sector, where the private sector is made up of individuals, families, churches and all other voluntary associations. But nobody is in charge of the private sector - it is composed of equal and independent institutions which act autonomously and each has full authority within their respective grants of authority.

The private sector includes, but extends far beyond, churches and matters of religion. The tacit assumption of many Christians throughout history is that the vast bulk of the non-religious private sector (especially business and commerce) belong to the jurisdiction of Caesar because they are not religious in nature. However, the biblical injunction to "Render to Caesar what is Caesar's, and to God what is God's," (Matt. 22:21) makes no assumption that the non-religious private sector belongs to Caesar, nor that God's jurisdiction is limited to religious matters.

I suggest quite the opposite: only specifically defined purposes and powers belong to Caesar (the biblical equivalent of the enumerated powers principle), and everything not expressly delegated to Caesar belongs to people who are *not Caesar* as they stand before God. The eight purposes granted by God to mankind (two to each basic institution) comprehend everything in life that is legitimate for people to do. Thus, if God didn't expressly grant a particular authority to Caesar, then either:

1) He must have granted it to the private sector; or 2) God reserved it for Himself.

That is the default position. Absent an *express grant* of authority from God to the people, either as members of the private sector or in their capacity as the foundation of civil power, any *ungranted* authority is reserved to God alone - and among men, no one has it. At no point does civil government pick up the leftovers (*i.e.*, any authority beyond what has been expressly delegated). And it matters not one bit how laudable or desirable the social goal is. Just because something is perceived as a social good does *not* make it authorized before either God or men.

Let me get specific here, so you know exactly what I'm talking about. Business and commerce are the province of the private sector (*vis-à-vis* the Dominion Mandate). Yes, civil government can eliminate barriers to commerce and to some extent regulate international trade, but it has no business deciding who can go into what kind of occupation, or regulate employee hours and wages, or impose regulatory burdens (*i.e.*, unfunded liabilities) on what are otherwise lawful commercial activities. And most certainly, civil government has no right to go into business itself, or to invest in particular businesses, or pick winners and losers in any field of commerce (such as by granting licenses to do business to some but not others).

There are, of course, many other things God left to the private sector which civil government should stay out of, among them education, child care, charitable works, social services, health care, insurance, and too many other things to mention.

And then there are things God has not authorized anyone to do - punishing hate or hate crimes, judging hearts and minds, trying to achieve perfect justice, creating a utopia, and providing a remedy for all possible wrongs, redistributing wealth, reversing global warming, saving the planet, minimizing our carbon footprint, etc. There are many problems government can't fix, shouldn't try, and will only make worse if it does.

So the mere fact that there is some persistent evil in society (such as religious or racial prejudice) does *not* mean that if the private sector is unable to restrain or eliminate that evil, it defaults to civil government to undertake the task. No, the *default setting* is that unless something clearly and logically fits into the proper jurisdiction of *only one* of the four basic institutions God created, it falls to *none* of them. Society's job is to let God deal with it as He sees fit, not for us to intervene, and most certainly not to expand the role of civil government so that public officials can wield more power.

THE LIMITED NATURE OF CIVIL POWER

The authority framework just discussed establishes a context for properly understanding the nature of civil authority. Being rooted in the law of nature, these principles are not merely helpful, but are indispensable for our task. Because to understand civil disobedience, we have to understand both civil authority and individual authority - it is not enough to know about only one of them. And to do that, we need a framework of authority into which both will fit.

Without this authority framework to serve as our anchor, any observations we might make concerning civil authority are likely to go off in the wrong direction. But now we, having a firm grasp on the nature of authority in general, can jump into a consideration of the nature of civil authority with more confidence. And as we will see, *context is everything*.

Romans 13 Revisited

Let every person be subject to the governing authorities. For there is no authority except from God, and those that exist have been instituted by God. Therefore whoever resists the authorities resists what God has appointed, and those who resist will incur judgment. (Rom. 13:1-2.)

Be subject for the Lord's sake to every human institution, whether it be to the emperor as supreme, or to governors as sent by him to punish those who do evil and to praise those who do good. For this is the will of God . . . (1 Pet. 2:13-15a.)

When I first visited these scriptures in *The Right to Alter or Abolish the Government*, I observed that there is no injunction for all people to give slavish obedience and homage to their civil rulers as embodiments of the presence of God among men. I then noted several *false readings* of the biblical texts, namely:

Civil rulers stand in the place of God to exercise authority which God has either reserved to Himself or delegated to the private sector.

God has placed certain people in positions of civil authority, and if you dare to challenge their authority you will incur the wrath of God.

Everything civil rulers do is by definition approved and sanctioned by God, because the mere fact they are in those positions shows divine approval.

Every act taken to hold civil rulers to the limited authority God has given them is an act of rebellion against God Himself.

In other words, *none of these statements (above) are what the scriptures stand for*. Now, I want to take things to the next level by adding what we know about the broader context of human institutions.

Namely, the statements *be subject to the governing authorities* and *be subject to every human institution*, do not refer exclusively to civil government. For individuals, families and the Church were all *instituted* by God - they are part and parcel of God's institutional framework and stand on no less than an equal footing with civil government as far as being considered *a governing authority* according to the scriptures.

Thus, when 1 Peter commends us to be subject to every human institution, "whether it be to" this

civil ruler or that civil ruler, these are to be taken as *examples*, not *limitations*. 1 Pet. 2:13-14 is not *limited* to civil rulers - rather, the respect we show for rightful authority (*i.e.*, authority *actually approved by God* and not merely a pretended authority) extends even so far as to civil rulers when they are acting rightfully.

And when I say that the private sector stands on *no less than an equal footing with civil government*, what I mean, of course, is that the private sector actually stands *above* civil government. Of all the governing authorities, civil government is the *least*, not the *greatest*. Rom. 13 and 1 Pet. 2 do not *override* God's authority framework previously established, and somehow elevate civil rulers to the top of the authority pile.

- 1) The private sector gets its authority directly from God, whereas civil government gets its authority from the people, and what God grants is always greater than what people grant.
- 2) The people only ever gave civil government a *portion* of what they have inherently, so that the powers of civil government are always *less* than and *inferior* to the rights and powers of the people. Just because the people have created a government does not mean they have deprived themselves of the ability to engage in self-government, or that ultimate sovereignty does not still reside with them.
- 3) Civil government is the mere agent of the people, not their master. Public officials owe a *duty of allegiance and obedience to follow the will of the people* - that is the consent of the governed, which is the paramount power in any political society.
- 4) All civil governments are disposable. If the people don't like what the government is doing, they can always change (alter or abolish) the government. Contrariwise, the government has no power to alter or abolish the people. Inherently, the people are greater.
- 5) God placed mankind on earth originally with only private sector authority and no civil power. This was all that was necessary for people to survive and thrive. Civil power only came along almost 2,000 years later. Thus, civil government must be *less necessary* to human existence than the private sector.

Additionally, neither Rom. 13 nor 1 Pet. 2 establish rules of conduct or conscience that are either higher than, or superior to, the Ten Commandments. And if we examine the *Decalogue*, we find the first four commandments directed to the identity, invisible nature, name and holiness of the Creator, followed immediately by a directive to respect the next highest authority among mankind other than God Himself - parents. And the rest of the commandments are directed to activities we may squarely place in the sphere of the private sector (murder, adultery, theft, false accusations and coveting).

What's missing? Nowhere in the Ten Commandments is there a directive to obey monarchs, governors, public officials or any civil authority. Nowhere in the Ten Commandments is there a

directive to obey pastors, ministers, church elders or any ecclesiastical authority. Church and state? *Pffft!* They are *nothing* compared to the authority of God, the family, and the private sector. If you really want to please God, you'd better get your priorities straight.

Vindiciae Contra Tyrannos and Lex Rex

If you think that I am 'spinning' the text of Rom. 13 in a new and novel way, or that I am doing a disservice to the biblical text, I am not. In truth, my reading is neither new nor novel. Consider these excerpts from the [*Vindiciae Contra Tyrannos*](#):

It then belongs to princes [civil rulers] to know how far they may extend their authority, and to subjects [the people] in what they may obey them, lest the one *encroaching on that jurisdiction, which no way belongs to them*, and the others obeying him which commands further than he ought, they be both chastised, when they shall give an account thereof before another judge [*i.e.*, God]. * * *

Now, seeing that the people choose and establish their kings, it follows that the whole body of the people is above the king; for it is a thing most evident, that he who is established by another, is accounted under him who has established him, and *he who receives his authority from another, is less than he from whom he derives his power*. ***

Seeing then that the king is established in this degree by the people, and for their sake, and that he cannot subsist without them, who can think it strange, then, for us to conclude that the people are above the king?¹¹

Now much of the *Vindiciae* is specifically concerned with armed resistance to a tyrant, which is a different matter than mere civil disobedience. For the moment, I just want to establish that some of the underlying principles of that document are the same ones I am advocating - there are other jurisdictions co-equal with civil government, civil government is the mere agent of the people, and the authority of civil government is *less* than the authority of the people.

Further, the *Vindiciae* is not unique in this regard. Specifically, I refer to [*Lex Rex*](#), by Samuel Rutherford, a Scottish minister writing against royal absolutism in 1644. The title *Lex Rex* is often translated as The Law and the Prince (or king), but the title was a bit of word play, chiefly signifying that the *law is king*, rather than the *king is law* (*Rex Lex*).¹² This of course put Rutherford in direct opposition to the royalists of his day, leading to his being cited for high treason, and his book being publicly burned.

¹¹ *Vindiciae Contra Tyrannos* (A Vindication Against Tyrants) (1579), a Huguenot essay published in Switzerland and attributed to Stephen Junius Brutus (probably a pseudonym).

¹² Wink, wink! Rutherford, fluent in both Greek and Latin, was being rather subtle. He dared not come out directly and say *Law is King* (his book was banned and burned anyway), but he used words in Latin (*Lex Rex*, or the Law and the Prince) which, if they had been translated into Greek, would implicitly mean *Law is King*. Since Rutherford used Greek and Latin quotations extensively in his book, knowledgeable readers would have understood this.

Here are excerpts from the text where Rutherford is asking whether God's law places people under a moral rule (or, *a mean governing our conscience*) requiring us to give a civil ruler passive obedience, *i.e.*, submission without question:

The scope of the place (1 Pet. 2) is not to forbid all violent resisting, as is clear he speaks nothing of violent resisting either one way or other, but only he forbids revengeful resisting of repaying one wrong with another.

No prince has a masterly or lordly dominion over his subjects, but only a free, ingenuous, paternal and tutoring oversight for the good of the people. (Rom. 13:4.) * * *

[N]either Rom. 13, nor 1 Pet. 2, nor any other place in God's word, any common divine, natural, national or any municipal law, commands formally obedience passive, or subjection passive, or non-resistance under the notion of passive obedience; yea, to me, obedience passive (if we speak of obedience, properly called, as relative essentially to a law) is a chimera, a dream, and *repugnantia in adjecto* [a contradiction in terms]; and therefore I utterly deny that resistance passive, or subjection passive, does formally fall under either commandment of God affirmative or negative; only the unlawful manner of resistance by way of revenge, or for defense of popery and false religion, and out of impatient toleration of monarchy or any tyranny, is forbidden in God's word; and certainly all the words used Rom. 13, as they fall under a formal commandment of God, are words of action, not of any chimerical passive obedience, as we are not to resist actively God's ordinance, as his ordinance, (ver. 1-2,) that is, to resist God actively.

There's a lot packed in those statements, but essentially Rutherford is saying nothing in either Rom. 13 or 1 Pet. 2, or elsewhere in the Bible, places a duty of *passive obedience* or unquestioned submission on people with respect to civil government. In fact, Rutherford calls passive obedience a *contradiction in terms*. He goes on to say the only things prohibited to people in Rom. 13 are to resist God's laws, to take personal revenge, or to defend false religion.

Rutherford's analysis would seem to leave the door wide open to civil disobedience. He continues:

Paul established magistracy, and commands obedience in the Lord; and he is more to prove the office of the magistrate to be of God than any other thing, and to show what is his due, than to establish absoluteness in Nero to be of God; yea, to me, *every word in the text speaks limitedness of princes, and cries down absoluteness* [emphasis added]: – (1.) No power of God, (2.) no ordinance of God, who is a terror to evil, but a praise to good works, (3.) no minister of God for good, etc. can be a power to which we submit ourselves on earth, as next unto God, without controlment [limitation].¹³

Here Rutherford is refuting the argument made by people of his time (and there are those who

¹³ Samuel Rutherford, *Lex Rex* (1644), Question 30, *Whether or No Passive Obedience Be a Mean to Which We Are Subjected in Conscience, by Virtue of a Divine Commandment; and What a Mean Resistance Is, etc.*

continue to make the same claims today) that since Paul wrote Rom. 13 in the time of the Roman emperor Nero, Paul therefore advocated obedience even to him, and that we should likewise be submissive to civil rulers today - no matter how evil they are. This argument Rutherford totally rejects, concluding that there is no power on earth (besides God) that we owe a duty to submit to without limits.

Then there is this little gem buried in the middle of the chapter where Rutherford says,

Resisting is not a mere suffering, nor is it a moral resisting by alleging laws to be broken by him. We had never a question with royalists about such resisting. *Nor is this resisting non-obedience to unjust commandments* [emphasis added]; that resisting was never yet in question by any except the papists, who in good earnest, by consequent, say, It is better to obey men than God.

When Rutherford uses the words *resisting* or *resistance*, he means *armed resistance*. This is contrasted with *non-obedience to unjust commandments* (or mere civil disobedience). Rutherford says first, that mere civil disobedience is not the same as armed resistance, and therefore civil disobedience cannot be construed as resisting God. Second, Rutherford says that *non-obedience* (*i.e.*, civil disobedience) “was never yet in question by any except the papists,” who he accuses of standing for the proposition that “It is better to obey men than God.” This last statement is a clear contrast to Acts 5:29, “We must obey God rather than men.”

According to Rutherford, the papists (and by association, *the royalists, i.e.*, people arguing on behalf of the English monarchy) got things exactly backwards. And if you thought like the papists did (in Rutherford’s view) you not only had a wrong view of civil authority, you had a wrong view of God’s authority and Church authority. The bottom line of which is that civil disobedience is a *non-issue* - something only questioned by people who have everything backwards.

So now we have two venerated documents, *Vindiciae Contra Tyrannos* and *Lex Rex*, written about four centuries ago, both in the Christian tradition and drawing on biblical principles (one written by a minister), advocating a reading of Rom. 13 and 1 Pet 2 which is entirely consistent with what I have been saying. So much for my view as being extreme, new or novel.

Of Tyranny and Usurpation

This is as good a time as any to address the title of this essay: *Civil Disobedience in an Age of Tyranny*. What exactly do I mean by an *age of tyranny*? For that matter, what is tyranny?

People often talk about tyranny in terms of *oppression* (forced labor, heavy taxation or undue control), *suppression* (silencing dissidents, limiting or controlling media outlets, etc.) or *repression* (the denial of the rights and liberties of the people), usually by civil rulers or the organs of civil government. Sometimes, tyranny is expressed in terms of a civil ruler or a government waging war against their own people. But to my mind, these are all just varying examples and degrees of *usurpation*.

Usurpation, in its most basic sense, is simply exercising authority that rightfully belongs to another, whether man or God. Most commonly, it involves the exercise by civil government of authority belonging to the private sector. Thus, burdens such as forced labor or servitude are a direct attack on private dominion. Heavy or confiscatory taxation, historically used to enrich a civil ruler, but today is also used to forcibly redistribute wealth, is a direct attack on private property. Silencing dissent, controlling the press and media, or waging a war of propaganda, are all ways of directly attacking the individual freedom of the mind, beliefs and values. *Etcetera, etcetera, etcetera.*

We in America haven't gotten to the point of enacting tyrannical religious laws yet, but of course many countries in the world still do that. We just have a history of imprisoning people based solely on their ethnic identity, racial profiling, and denying higher academic degrees based on viewpoint discrimination. We now use progressive taxation to openly redistribute wealth. Courts and government agencies routinely require people to undergo various types of "training" - anger management programs, diversity appreciation, marital and divorce counseling, driving school, and others. Call them what you will - they're all just legally forced re-education which usurps the freedom of the mind.

And the winds of change are fast blowing over America to treat anti-LGBT attitudes and anti-global warming attitudes much as historical inquisitions have pursued heretics. Ah, tyranny! - it never really goes away, it just changes form. *N'est-ce pas?*

Yet admittedly, not every usurpation of private rights and liberties by civil government makes a case for tyranny. The Declaration of Independence, in describing the despotism and tyranny that burdened the young United States, referred to "a long train of abuses and usurpations, pursuing invariably the same object," which the Declaration then specified in detail.

At this point, I could easily digress into a discussion of how: 1) God does not authorize any form of tyranny; 2) people have no legitimate authority to consent to tyranny; 3) the people have a duty to remove unlawful rulers; and 4) in short, a tyrant forfeits the authority to rule. However, such a discussion is unnecessary at present.

I am not here considering when or how to remove a tyrannical ruler. I am not arguing that we should now do what our ancestors in Colonial America did, to throw off the entire current system of civil government and replace it with an entirely new one. I am not advocating for open rebellion or insurrection, armed resistance, revolution, or wholesale systemic change.

As a practical matter, if we threw out everybody now holding a public office, who would we replace them with? More people who have been mis-educated by the same schools, influenced by the same mis-leading media outlets and/or social media, and who have their same greedy hands in all the same corrupt pockets? *Yeah, right - good luck with that.*

No, what I'm suggesting is that we, as individuals, through individual action, have not only the power, but the right and the authority, to individually resist, to reduce the efficiency of government policies and programs hostile to liberty and freedom, to gum up and slow down the driving wheels

of government overreach, and thwart the overall goals of government usurpation.

Quoting again from the *Vindiciae Contra Tyrannos*,

There is ever, and in all places, a mutual and reciprocal obligation between the people and the prince; the one promises to be a good and wise prince, the other to obey faithfully, *provided he govern justly*. The people therefore are obliged to the prince under condition, the prince to the people simply and purely. Therefore, if the prince fail in his promise, the people are exempt from obedience, the contract is made void, the right of obligation of no force.¹⁴

Notice what the author of the *Vindiciae* is saying. All civil rulers swear to rule justly (in the U.S., to *preserve, protect and defend the constitution of the United States*). This promise is made *unconditionally* - in other words, it does not matter what the people do, the ruler or public official is nevertheless absolutely bound to fulfill his promise. A public official's only choice is to fulfill that promise or resign from office.

The people, on the other hand, promise to obey the ruler *only so long as* the ruler governs justly. The promise of the people is *not* absolute - it is conditional upon, and dependent upon, the proper conduct of the public official. If the civil ruler fails to govern justly, the obligation of the people to obey *terminates*.

Which means that when it comes to civil disobedience, it is not necessary that *tyranny* be proved before disobedience can be justified. *Usurpation is enough*. And unrelenting usurpation, which cannot be resolved or removed by any further petitions to elected officials, or by further engaging in the political process, or even by lawsuits (because the judiciary is also corrupt), is *more than enough*. Friends, we crossed that line in America decades ago. And it's only getting worse on a daily basis.

The age of tyranny is upon us

In truth, *tyranny* (not merely abundant usurpation) is already here - in America. You think I exaggerate? The overreach of today's federal government would shock the living daylights out of our nation's founders.

The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced *the very definition of tyranny*. (James Madison - *The Federalist*, No. 47.)

Are you seeing the significance of what Madison has said, here? Actual tyranny does not require

¹⁴ See, note 11.

physical torture, killings, maimings or burning someone's house down. All that's actually required for tyranny to exist is an amalgamation of powers that should rightly be *diffused*. Only the Creator is capable of handling all forms of power and authority rightly, without corruption. See, Isa. 33:22.

But if you want to see an unholy amalgamation of powers in American government, just look in on any one of numerous federal "independent agencies." They make their own rules, enforce them, and pass judgment on violations of those self-made rules. Such agencies include, without limitation, the Equal Employment Opportunity Commission, Federal Election Commission, Environmental Protection Agency, Federal Trade Commission, National Labor Relations Board, and Securities and Exchange Commission. For further details, consult [*The Unalienable Right of Government by Consent and the Independent Agency*](#), by Kerry Morgan.

Or consider the U.S. Congress which, in addition to occasionally passing legislation, exercises so-called *oversight* over all manner of executive departments and other federal agencies, also conducting numerous investigations of alleged misconduct by federal officials (also an executive function), and to top it all off, Congress issues subpoenas to witnesses, takes testimony from people after administering a testimonial oath, and has the supposed power to find people in contempt (all of which are exclusively judicial functions). As per James Madison, *the very definition of tyranny*.

And what is it that Congress is doing? Simple, basic, everyday usurpation. They are usurping executive powers that have been delegated exclusively to the executive branch. They are usurping judicial powers which have been delegated exclusively to the judicial branch. If you search the U.S. Constitution for an authorization for Congress to conduct investigations, oversee federal agencies, to take testimony, or issue subpoenas or contempt orders, you will search in vain. The very concept of a separation of powers forbids them from doing anything except passing legislation.

Of course, the other branches of government are just as bad. The last few Presidents have routinely issued executive orders that are really attempts to pass laws while bypassing Congress. And though Presidents for the most part have not directly exercised judicial power, many executive departments do. For example, the Trademark Trial and Appeal Board, part of the Patent and Trademark Office, is under the Commerce Department. All the TTAB does is perform a judicial function. What is particularly odious is that while patents and copyrights are specifically authorized in the Constitution as legitimate functions of the federal government, *trademarks are not*.

The Supreme Court, as well, routinely regards its opinions as laws binding throughout the nation - an open and notorious usurpation of legislative powers. Although the courts have not yet devolved to the point of enforcing their own judgments in the place of the executive branch, federal judges do routinely participate in the FISA court - rendering secret opinions in secret cases where the defendants are not even given notice that a case or decision has been made against them. In the FISA court, defendants have no opportunity to appear before the court or to make any arguments on their behalf. It is the true *Star Chamber* of our time - again, the very definition of tyranny.

You want to change the world by writing your Congressman? I tell you, *they are the problem*. You want to vote for a different party or a different candidate? *They're all the same*. You want to file

a lawsuit? The *judges think they are God*. Go ahead. Waste your time if you want to. I'm not playing that game anymore. Game time is over. We are - *right now* - living in an age of tyranny.

THE MANHATTAN DECLARATION

With all of the preceding discussion in mind, I want to draw a sharp contrast between what I am saying about civil disobedience and what the authors of the *Manhattan Declaration* have said. The *Manhattan Declaration* is a document written by two academics, Robert George and Timothy George, along with Chuck Colson, circulated in late 2009 for the purpose of establishing a consensus between Orthodox, Catholic, and Evangelical Christians.

The *Manhattan Declaration* advocates a limited right of civil disobedience in three areas: sanctity of life (*i.e.*, the unborn, disabled and elderly), dignity of marriage (*i.e.*, traditional marriage), and religious liberty. My view of civil disobedience is much more robust than that weak and anemic effort. Here's a brief excerpt from the *Manhattan Declaration* for comparison:

We recognize the duty to comply with laws whether we happen to like them or not, unless the laws are gravely unjust or require those subject to them to do something unjust or otherwise immoral. ... Going back to the earliest days of the church, Christians have refused to compromise their proclamation of the gospel. ... Through the centuries, Christianity has taught that civil disobedience is not only permitted, but sometimes required. * * *

Because we honor justice and the common good, we will not comply with any edict that purports to compel our institutions to participate in abortions, embryo-destructive research, assisted suicide and euthanasia, or any other anti-life act; nor will we bend to any rule purporting to force us to bless immoral sexual partnerships, treat them as marriages or the equivalent, or refrain from proclaiming the truth, as we know it, about morality and immorality and marriage and the family. We will fully and ungrudgingly render to Caesar what is Caesar's. But under no circumstances will we render to Caesar what is God's.¹⁵

Obviously, I agree that Christianity has taught civil disobedience is sometimes permitted, going all the way back to the examples of the early apostles in Acts 4 & 5. That's why I quoted from the *Vindiciae Contra Tyrannos*, *Lex Rex*, and James Wilson, etc. And I agree, in general, with the sentiments in the second quoted paragraph above. Yet, there are problems with the Declaration.

First, biblical civil disobedience is neither based upon, nor tied to, the proclamation of the gospel. Civil disobedience is fundamentally not a religious issue - it is a legal issue. To understand and apply the principles of civil disobedience, we must understand and apply all of God's laws, *i.e.*, the full breadth of the laws of nature and of nature's God. Civil disobedience is not an expression of

¹⁵ *Manhattan Declaration: A Call of Christian Conscience*, November 20, 2009.

religious *faith* so much as it is an assertion of legal *rights*, and there's a big difference between those.

I *categorically reject* the idea that any expression of religious faith is higher, more virtuous or godly, more desirable, more important or worthy, or more biblical or Christian, than an assertion of God-given legal rights. Religion is not higher than law. ***Theology may be the queen of the sciences, but law is king. Lex Rex. ;-)***

As an initial proposition, therefore, civil disobedience - even when motivated by an adherence to the laws of God - is not *Christian* civil disobedience or the exercise of a *Christian* conscience. The rights of conscience and disobedience are not limited to Christians, because the laws of nature and nature's God are God's laws for all men, Jew and Gentile, believer and non-believer. There are no special laws of God applicable only to Christians, and no rights of disobedience or conscience Christians have that non-Christians do not have. To add the appellation of *Christian* to the phrase *civil disobedience* or the word *conscience* clarifies nothing, and only confuses the issue with unnecessary religious overtones.

Second, at a fundamental level, there is absolutely no reason to suppose or infer that biblical civil disobedience extends only to issues regarding the sanctity of life, the dignity of marriage and religious liberty. There is nothing special about these areas of life that render them more biblical, more sacred, or more essential than any other aspect of the laws of nature and nature's God. So for heaven's sake, stop treating these three areas as though they are more clearly defined or carry a higher priority than any other facet of God's laws. To give them pre-eminence in this way just shows how ignorant people are of the true scope of God's laws.

This is, in fact, the very reason I went to the trouble of making out a (partial) list of natural rights earlier. Sanctity of life, marriage and religious liberty don't even begin to cover all our God-given natural rights which can serve as a valid basis for civil disobedience.

Third, the Declaration states, "We, as Orthodox, Catholic, and Evangelical Christians ... make the following declaration, which we sign as individuals, not on behalf of our organizations, but speaking to and from our communities." I suppose that's a typically political thing to say if your primary target audience is church people, but it's less effective if you are trying to justify your actions to a governmental body. The writers of the Declaration have not fully embraced corporate rights as opposed to individual rights, but they have fallen well short of an enthusiastic embrace of the rights of *all individuals*.

There is no sense in which the right of civil disobedience is tied to membership in a *community*. As an individual, I do not need the approval of any religious body or other community to validate my decision to disobey. My individual rights are not contingent on whether my beliefs are accepted and openly affirmed by any religious body or other community. I say this because, in fact, some specific federal tax exemptions (such as the privilege of clergy to be exempted from social security taxes) are directly tied to what their ordaining bodies teach and accept. The *right* of civil disobedience is not a *privilege* of this nature.

Anything less than a full affirmation of the right of disobedience as an individual right *free from any ties to a community* is unacceptable. The rights of conscience are individual, not corporate. The nature of all natural rights is that they are individual, not corporate. The locus of the ultimate civil authority is with the individual, not the community - because as I have shown, a group possesses no more authority than its individual members. I must therefore conclude that the rights of civil disobedience and conscience are also fundamentally individual, not tied to any community affiliation. I will explore this matter in detail in the next major section of this essay.

Fourth, in the closing words of the *Manhattan Declaration*, the signers pledge that “We will fully and ungrudgingly render to Caesar what is Caesar’s. But under no circumstances will we render to Caesar what is God’s.” All of which is well and good, so long as the jurisdictions of both Caesar and God are accurately defined. By which I mean that the jurisdiction of Caesar is properly *limited* and not granted too much, and the jurisdiction of God is properly *expansive* and not granted too little.

I refer to the unholy practice of granting to Caesar that which by the laws of nature and nature’s God belongs to the *private sector*, *i.e.*, individuals, families and voluntary associations, and failing to recognize that God has equal jurisdiction over these as much as He does over religion and the Church. Specifically, I am talking about the world of business, commerce, occupations, labor and the economy.

The problem is the Declaration - by naming only God and Caesar and no other parties, and then phrasing civil disobedience in terms of “we” and “our institutions” - sets up a false choice between only two alternatives, God and Caesar, which far more often than not is simply code language for *church and state*. As I said earlier, both church and state have, historically, been the engines of the greatest impediments to individual liberty. So appealing to churches to save us from the oppression of the state isn’t a solution - it’s an integral part of the problem.

Looking back to Jesus’ original statement which the Declaration quotes (Mat 22:21), the contrast is between *God and man*, not church and state. Yet, after stating the God and Caesar principle, the Declaration’s analysis focuses exclusively on matters of religious liberty and proclaiming the Gospel - a typical church vs. state analysis. Can no one see *there is more to the private sector (and God’s jurisdiction) than merely the Church, Christianity or religion?*

Consequently, neither the Church nor Christianity are the starting point for a consideration of civil disobedience, nor do either of them constitute the major part of the scope of our rights under the laws of God.

Fifth, civil disobedience is not limited to instances in which “laws are gravely unjust or require those subject to them to do something unjust or otherwise immoral.” Putting this quaint notion from the past in the graveyard of history is one of the principal reasons why I am writing this essay. Students of God’s laws know that in His legal system, laws are never a matter of degree. God’s laws are always higher than man’s laws, but between various laws of God, there is no hierarchy of rules, *i.e.*, there are no superior laws and inferior laws, because God’s laws never conflict with one

another. All of God's laws are of equal authority.

Thus, it is unnecessary to justify civil disobedience by labeling a law of man as *gravely unjust*. It is enough to say it is unauthorized according to God's authority framework, and therefore constitutes *usurpation*. And for our purposes, it does not matter *which* of God's laws it is, or whether such law is "big" or "little". Man-made law is either authorized by *lonang* or it is not - we need not, and should not, inquire as to the *degree* to which it is unauthorized because that is very much the same as asking whether any particular act is *a little* sinful or *a lot* sinful. If an act is *any part* sinful, that is enough. This is the clear lesson of Jam. 2:10, "For whoever keeps the whole law but fails in one point has become accountable for all of it."

Sixth, I reject the idea that civil disobedience is limited to instances where a person is required to *do something unjust or immoral*. It is enough that man's law *prevents* a person from carrying out authority God has given him. If you think about it, this is actually where most claims of a breach of religious liberty come into play - you want to worship God in a particular way and men are using laws to stop you. It's not a question of whether abstaining from worship is an immoral act. You can do the verbal gymnastics of casting a religious liberty claim in the light of doing something immoral if you like, but it's really that the law is preventing you from doing what you think God wants you to do. An infringement of your lawful liberty is enough to justify disobedience.

Take child-bearing, for example, in light of China's historic one-child policy (limiting families to having no more than one child). Students of God's law know that when God authorizes mankind to do something (such as to be fruitful and multiply in Gen. 1:28), mankind has a *duty* to actually be fruitful and multiply. Thus, while obeying the one-child policy is arguably not immoral of itself, yet it clearly frustrates a God-imposed duty - and this is a sufficient basis for disobedience for couples who have the capability and the desire to have multiple children.

No, I'm not saying every family has a duty to have as many children as possible. I'm only saying that child-bearing is a matter between a family unit and God - civil government plays no role in the decision-making process. But one of the really big problems among Christians is that even though God delegated to mankind the authority to have children and to take dominion *in the very same sentence* (Gen. 1:28), people treat one as *sacred* (can't touch this!) and the other as *secular* (go ahead and regulate it as much as you want). *Christian schizophrenia* - that's what that is.

Seventh, it is enough that man's law requires a person to do something which by itself is neither immoral or unjust, but which God has established men as being free to refuse to do, which is the same thing as saying that men have no duty before God to do it. Thus, let us assume buying automobile insurance is not inherently unjust or immoral, but if God's laws say you have freedom of contract (which necessarily includes the freedom *not* to enter into a contract), then legally mandated automobile insurance is unauthorized from God's perspective, and is arguably a proper candidate as the basis for the exercise of civil disobedience.

Again, I refer back to the principle that ungranted powers never default to civil government. In other words, if God's laws say nothing about auto insurance, that does not give civil rulers a free hand to

regulate the matter or make it *malum prohibitum*. Unless God expressly extended civil power over private contractual matters (which of course He did not), then the default authority runs in favor of the private sector. Which is to say, people have freedom of choice whether, and under what terms, to insure any of their property or activities - it isn't for civil government to say one way or the other. The default is private liberty, not government intermeddling.

Some may argue that being forced to buy auto insurance isn't as grave as an infringement of religious freedom, but as I've already said, the *degree* of wrongfulness isn't the issue, and neither is the importance of the law. You may well decide it isn't worth it to risk your life, liberty or fortune over a man-imposed contractual duty as a practical matter, but that's not the same as saying civil disobedience is inappropriate or unlawful in that instance - disobedience may merely be imprudent. Individual actions which are unlawful and those which are unwise are not necessarily the same.

You always have to be wise about choosing which laws to disobey (*i.e.*, picking your battles), but it doesn't remove the possibility that in some circumstances for some people it may well be vitally important *for them* to disobey a law that *for you* has only minimal importance. That's why civil disobedience is inherently tied to the matter of individual conscience. Civil disobedience is not a matter of community or consensus - it is an individual choice. Different people will pick different battles, and that's the way it should be. We need to support each other in making such decisions. [I will further discuss these last three points under the heading of *Command and Prohibit*, below.]

Eighth, and finally, the *Manhattan Declaration* takes the common position of *extreme* deference towards public officials. But when I say that, you know exactly what I mean, right?

As Christians, we take seriously the Biblical admonition to respect and obey those in authority. We believe in law and in the rule of law. We recognize the duty to comply with laws whether we happen to like them or not, unless the laws are gravely unjust or require those subject to them to do something unjust or otherwise immoral.¹⁶

In other words, the Declaration readily accepts civil rulers as being *persons in authority* to which obedience is owed, but nowhere treats individuals and families with the same high regard. Sure, the authors of the Declaration affirm a right of individual conscience and a need for familial integrity, but they never go so far as to acknowledge that civil government should observe, respect and *defer* to private sector authority. Much less do they regard private authority (as I do) to be of equal or very often even *greater authority* than civil government within their spheres of operation.

The authors claim to "believe in law and in the rule of law," but apparently that only extends to the laws of society. Because the root principles from which their manifesto springs are not *legal rules* from the laws of God or the laws of nature and nature's God, but from the motivations of religious duty, Christian faith, and the Gospel of Jesus.

¹⁶ *Ibid.*

And notice how the final sentence quoted above completely sidesteps the issue: civil disobedience has nothing to do with whether we *like* a law or not. Biblical civil disobedience is based on whether a law of society *conflicts* with the laws of God or not. But the word *conflict* is never used in the Declaration - so all we're left with is a vague nod to personal notions of justice and morality. Not exactly a strong endorsement for the full scope of the laws of God.

As I see it, the goal in this discussion of civil disobedience is to get to the point where we can firmly answer the question of how to resolve conflicts between individual rights and civil powers, and who gets to decide such questions. Specifically, what authority do individuals have to countermand civil authority, if any, and what are the proper means available to address the wrongful exercise of authority by public officials? Unfortunately, the *Manhattan Declaration* won't get us there.

PRESUMPTIONS OF VALIDITY AND LEGALITY

Rather than addressing *merely* the sanctity of life, dignity of marriage and religious liberty, let's say you now feel motivated to do something about the plethora of usurpations all around us, taking into account the full scope of God's laws. Maybe you'd even consider doing something a tinge naughty, like civil disobedience. But doubts linger. Is that really a decision you can make on your own? Is it really acceptable with God if you decide to disobey? It can't hurt to ask.

Presumptions of Validity

For rulers are not a terror to good conduct, but to bad. Would you have no fear of the one who is in authority? Then do what is good, and you will receive his approval, for he is God's servant for your good. But if you do wrong, be afraid, for he does not bear the sword in vain. For he is the servant of God, an avenger who carries out God's wrath on the wrongdoer. (Rom. 13:3-4).

We have already disposed of the false teachings that this text means civil rulers have a divine right to rule, they receive any direct authority from God, or that we as members of the public owe our civil rulers a slavish or a passive (unquestioning) obedience. Anyone who makes these arguments almost always has something to gain *personally* from making them, including religious leaders who use similar arguments to justify their religious overreaches. But as for me and my house, until Christ returns, I will bow the knee to no man. (It's *so* American of me.)

But what about the conceptual cousins of these pernicious ideas, supposedly lesser and gentler in their effect? You know - either that: 1) all civil laws are entitled to a presumption of validity, or 2) as good citizens and God-fearing people, we owe a presumptive duty to obey all civil laws.

Let me start by noting that these are *not* the same. The first assertion presumes civil laws are valid unless and until the contrary has been shown, which is to say that the *burden of proof* for establishing that any particular law is not valid rests with the one who would oppose it. Or, the *benefit of the doubt* runs in favor of any duly enacted law.

The second assertion is worse - it presumes that all civil laws must be obeyed *even if they are bad* (or by some measure to be determined, *invalid*). Under the second assertion, it is not enough to show that a law is bad, it must also be shown that there is some grievous harm or direct disobedience to God that results from obeying the law, before any disobedience to it is justified. In other words, the burden of proof (for disobedience) is *higher* than it is under the first assertion. Why? Because (so the argument goes) God just wants us to be obedient all the time, even to sinful men who are behaving badly. I suppose some may even rationalize that kind of thinking as *maintaining a good witness* for Christ.

However, keep in mind that the second assertion takes a position exactly opposite to the *Vindiciae Contra Tyrannos*, quoted earlier. That document made it clear that the obedience of the people *depends* on the civil ruler governing justly, and where the civil ruler does not do so, obedience is *not* required. See how an argument that sounds plausible at first blush, can turn out to be something that was put to shame almost 450 years ago?

Against these two assertions I offer several arguments (in addition to what the *Vindiciae* said), including: 1) most government rules are not really laws at all (that is, the definition of *duly enacted law* is actually pretty narrow); 2) all authority (including civil authority) must be *justified* before it can be exercised; and 3) the burden of proof to show a law is invalid is actually pretty small. These arguments are sufficient in my mind to nullify both of the assertions in favor of the presumed validity of all civil laws and our supposed Christian duty to obey them.

Many government rules are not really laws at all

There are certain things you just cannot understand scripturally unless and until you factor in the legal sense of words. Words like *authority*, *government*, and *rulers*. And here we must determine what it means for something to be a *law*, because you cannot understand the extent we owe a duty to obey civil laws, if you do not first understand what a law is - and is not.

Let's assume *arguendo*, that there is such a thing as a presumed validity or a duty to obey all civil laws. In that case, what would such a presumption or duty look like? What would we really be required to do? Are all commands, orders, rules and regulations issued by any government agency or civil ruler of equal authority, and are we to think of all such things equally as *laws*? Lord have mercy - NO.

Let's start with the obvious. The presumption of validity does not attach to any purported laws which are not, in fact, duly enacted. *Duly enacted laws* means legislation which has been voted on and passed by the legislature, and then signed into law. In any system where separation of powers is the rule (as it is in America), no one except the legislature can make or enact laws.

Duly enacted laws do not include executive orders. Executive orders only apply to employees of the executive branch and (possibly) to people who enter into contracts with the government. Executive orders do not apply to ordinary citizens or residents. Presidents and governors do not make or enact laws - they simply sign (or veto) legislation brought to them.

Many of the rules and regulations adopted by non-elected officials in various government agencies are not really laws, either. Legislative power is something that cannot be delegated. Congress cannot simply delegate rule-making authority to the Internal Revenue Service, for example. Unless a rule has been passed by both houses of Congress and signed by the President, it is not a law. Therefore, all federal tax regulations are *merely administrative interpretations* of the law, suggested guidelines or safe harbors for complying with the law, and procedures for documenting your compliance with the law, *but they are not laws themselves*.

I always get a kick by the way tax regulations are regarded by accountants, as opposed to lawyers. Accountants (in my personal experience, anyway) tend to treat the regulations as gospel, whereas lawyers treat them as rules of thumb that, if someone will pay for it, we will gladly challenge any day of the week.

For example, the First Amendment provides that “Congress shall make no law respecting an establishment of religion.” Just think about that in basic terms, setting aside the myriad of crap out there about church and state. An organized church (usually a corporation) is an *establishment* of religion. If Congress makes a law defining what a church is, then it has made a law *respecting* (*i.e.*, concerning) an establishment (*i.e.*, institution) of religion.

For that exact reason, no part of the federal tax code *ever* defines what a church is (other than to say a church is “a church, a denomination or an association of churches,” as if that helps), even though there are numerous provisions in the tax code specifically for or about churches. But that hasn’t stopped the IRS from adopting its own 14-part definition of what it means to be a church (although it should have). In my career, I have had fun several times in challenging the IRS’ authority to define a church, twisting and manipulating the definition for the benefit of my clients - precisely because I knew going into it that the IRS rule was on shaky ground. *Not a law* - only a suggestion.

See my essay on [The Constitutional Authority to Define A “Church”](#) for more information about this matter. But that is just one example. I regard all federal regulations the same way.

However, the most important caveat is that *judicial opinions and orders are not laws*. Yes, judicial orders are binding on the actual parties to the case (as I discuss below), but they are still *orders*, not *laws*. Orders are only binding on the people to whom they are specifically directed, whether executive or judicial. But courts are not legislatures, and courts have no legislative powers. I do not subscribe to the fanatical religious belief (currently in vogue) that judges *do* make laws.

The historic rule at common law was, *jus dicere, non jus dare*. Meaning, judges only declare pre-existing law, they do not make new laws. This was reflected in *The Federalist*, No. 78:

The legislature ... prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, ... can take no active resolution whatever. It [the judiciary] may truly be said to have neither FORCE nor WILL, but merely judgment.

I have previously written about this more extensively in [Legal Foundations: The Framework of Law](#), Ch. 3 (“The Characteristics of Law”). Most people don’t even realize the U.S. Supreme Court never actually held that its decisions were law binding on all the states until the United States was 182 years old. *Cooper v. Aaron*, 358 U.S. 1 (1958). If you’re thinking of looking up the constitutional amendment that was adopted which authorized this holding, don’t bother - there isn’t one.

Neither the Code of Federal Regulations nor the case books of federal court opinions are recognized by the Constitution as *duly enacted laws*. (The same thing is true at the state and local level.) This is the equivalent of *The Emperor’s New Clothes* applied to the judicial branch - everyone sees what isn’t there, just to be accepted and approved by the people in charge. But it’s still just a fairy tale.

Who Really Has The Burden Of Proof?

All authority must be justified

We know from the *Limitation Principle of Authority* that anyone who receives delegated authority may exercise only what is expressly authorized, and may *not* do everything except what is expressly forbidden. This is the enumerated powers principle of life. Which is to say, that *all authority must be justified before it is exercised*. Certainly this principle applies to all of us as individuals. But it also applies to civil governments in general, and to all civil rulers, public officials and government employees, as well.

In fact, I suggest, it should apply *more* to civil government and public officials, than to all the rest of us. All individuals are created by God, and we derive our authority directly from Him. Civil government, on the other hand, is created by the people, and its authority is derived from them. Thus, not only the laws of nature and nature’s God, but also the laws of men, should be consulted before pronouncing a civil law authorized. Civil laws are subject to an extra layer of scrutiny, making them *less* likely to be authorized, not more.

We are accustomed to checks and balances within our system of government (that is, between the three branches of government) for one basic reason: to guard against the harmful aggregation of power by those in leadership positions. Why can’t the people be a check and balance for their civil rulers? Is it really likely that public officials will police themselves and restrain each other from the harmful aggregation power? How has that worked out for you so far?

Civil disobedience is, I suggest, a lot like jury nullification. Traditionally, in Anglo-American jurisprudence, juries are limited to being triers of fact (that is, juries decide what the facts are in a case), and judges are the ones who decide what the law is. Typically, judges will instruct a jury on what the applicable law is.

But what if the law is wrong? Which brings us to another legal tradition - lesser known, officially recognized but almost always discouraged, yet occasionally exercised anyway. Namely, *jury nullification*, where the jury takes it upon itself to decide the law as well as the facts in order to do justice. Usually, this means the jury finds that the law is wrong, or at a minimum, that the court’s

view of what the law requires is wrong. Don't think this is an obscure matter - it is right now (2018) the subject of litigation in the case of *U.S. v. Manafort*, in federal district court.

What is jury nullification (or for that matter, civil disobedience), except a form of check and balance on public officials by the people? Those in power would have us believe that they are special, *i.e.*, more qualified to make legal and policy judgments than ordinary citizens. But the qualities which tend to get people elected (lying, manipulation, buying votes, etc.) are exactly the tendencies which make them *less* qualified to make legal and policy judgments than ordinary citizens.

Jury nullification, like all forms of civil disobedience, will never be approved by government leaders. They will always want unquestioned obedience by the people, and view nullification as a form of disobedience. But all the people are doing is making sure that the authority the court or the prosecutor's office are trying to assert is really justified. And that is a good thing.

All lawful civil rule, regardless of what any particular civil ruler may claim, is constrained by the consent of the governed and the express terms of any delegations of powers by them. As a consequence, the authority to rule must continually be justified. It is not assumed. It is not to be taken for granted. It is always subject to review by the people on an ongoing basis.

Additionally, people are wicked by nature (due to the *Fall*), the human heart is predisposed to do evil, and the governments of this world are presently under the control of the great deceiver. Therefore, how can anyone argue, much less realistically expect, that the nations and governments of this world will consistently govern according to the laws of nature and nature's God? It is a preposterous lunacy.

Shouldn't we, if we are being realistic, fully expect that the vast majority of civil laws - yes, even in America, God's country (*sic*) - are in fact *contrary* to God's laws and our natural rights, rather than being consistent with them? Has there *ever* been a time when the governments of this world were more in compliance with *lonang* than out of compliance? If you think the answer is *Yes*, then you and I are living in different worlds.

I appreciate the historic legal writers who tried to integrate biblical principles with legal concepts. Unfortunately, most of the historic writers up through the mid-1700's were still captive to the idea that a king was, if not chosen by God and divinely elevated to office, at least divinely empowered to carry out a holy civil purpose. This was the era of state established religions, when most people thought it was the normal business of civil government to promulgate true religion and enforce religious laws. These same writers conceived of kings as *superiors*, and the common people as *inferiors*. *Ugh!*

This, I believe, is the real origin of the presumptions that all civil laws are valid, or that we must obey all civil laws regardless of whether they are valid - *i.e.*, the unholy commingling of civil governments and religion. Historically, this meant the state sponsored religious activities. We don't see that as much today (except for so-called *Islamic republics* - an oxymoron if I ever saw one). But there always seem to be plenty of people around, bolstered by warm feelings of piety and a desire

to be seen as holy, who insist that government officials rule by divine approval and are God's appointed ministers. Like I said - an unholy commingling.

But once you remove all vestiges of state established religion, all claims of a divine right to rule, and all pretenses that civil laws are intended to implement the laws of God, there is no basis left for making these spurious presumptions. If you're looking for a justification of civil authority, you can't find it in past ideas rooted in religious entanglements.

Where does the burden of proof lie?

All of the above leads me to conclude that the burden of proof to show that a civil law is invalid or need not be obeyed is actually pretty small. Often, it's not a difficult question at all (though the answer may be difficult to accept). In fact, I shouldn't wonder if perhaps the burden of proof lies with those who would *enact* any law, not with those who *oppose* it.

For example, since God gave individuals jurisdiction over the mind and the heart (*i.e.*, education and charity), when civil government regulates those things, who has the presumption of validity and who has the burden of proof to justify their authority? Same question, when government imposes taxes to fund and support public education and public charity (such as welfare), or worse yet, creates government agencies designed to implement educational and charitable programs?

Since God gave families jurisdiction over child-bearing (which includes all aspects of the parent-child relationship), and dominion (including economic rights, property, contracts, industry, labor, occupations and stewardship), when civil government regulates those things, or intervenes to second guess how families handle those things, who has the presumption of validity and who has the burden of proof to justify their authority?

Since God limited the authority of civil government to punishing those who do evil (which means government should not punish doing good, nor should government be in the business of doing good things), and praising those who do right (which includes the securing of individual rights), when civil government punishes doing good (think of religious adoption agencies), gets in the business of doing good things (think of government involvement in health care), or fails to uphold individual rights (think of the baker who refused to make a wedding cake for a gay couple), who has the presumption of validity and who has the burden of proof to justify their authority?

Since God gave the Church the authority to evangelize and to teach all nations the laws of God, when civil government restricts or regulates those things, who has the presumption of validity and who has the burden of proof to justify their authority? What's that - you're not feeling the government squeeze in religious matters yet? Start talking very loudly against global warming, diversity or LGBT rights, and see how long you remain free from persecution by all manner of legal and regulatory means.

Now in the grand scheme of things, while government restrictions on the Church (whether organized religion or individual Christians) are attention grabbing, they are not nearly as pervasive or intrusive

as the universal and unlimited usurpation of the private sector relating to individual and family economic rights and liberties, education, and inter-family relationships.

This is the crux of the problem. Sure, religious freedom issues crop up every so often, but dominion - that is the real issue. *Who rules this world anyway* - civil government or the private sector? I'll give you a hint - it's not civil government. As you consider the subject of civil disobedience, don't ignore *the weightier matters of the law*. See, Mat. 23:23. In other words, don't focus on religion.

The Prohibition of Judging One's Own Cause

In the event you ever find yourself in a situation where you disagree with a government rule or policy because it violates God's law, no one from the government is ever going to offer a counter-argument from scripture, or debate the fine points of the laws of nature and nature's God. No, the matter will simply come down to the question of *who gets to decide who is right*. And on that score, the outcome is fairly predictable. In the eyes of the government official *they* get to decide, with the result that you will always lose.

Unfortunately, many well-meaning (but uninformed) people think that is exactly the way things should be. The argument is often made that for a person to engage in civil disobedience is equivalent to "judging one's own cause," and therefore prohibited. But what really is the law about judging one's own cause? To answer that question, we must look at the scripture in context.

"If any case arises ... within your towns that is too difficult for you, then you shall arise and go up to the place that the Lord your God will choose. And you shall come to the Levitical priests and to the judge who is in office in those days, and you shall consult them, and they shall declare to you the decision. Then you shall do according to what they declare to you from that place that the Lord will choose. ... You shall not turn aside from the verdict that they declare to you, either to the right hand or to the left. The man who acts presumptuously by not obeying the priest who stands to minister there before the Lord your God, or the judge, that man shall die. So you shall purge the evil from Israel." (Deut. 17:8-12).

First, a word about the definition of *cause*. A cause of action is a *lawsuit*. Thus, this entire text is solely directed to judgments in legal cases. To *judge your own cause* means you are disobeying a judge's order and acting as if you are the judge. And that's all it means.

Also note that this scripture is specifically directed to ancient Israel, which limits its application. Specifically, the death penalty it imposes does not apply to nations today. Modern nations are under the general imposition of the death penalty in cases of murder *only*. Gen. 9:5-6. All other instances of the death penalty under the Mosaic law are specific to ancient Israel only.

We also must be careful not to ascribe any divine authority to a judge, nor to view any judge as a mediator between God and man (like a priest), nor to view any judge as expressing the judgment of God. Looking at Deut. 17, this is *exactly* how the ancient Israelites would have viewed their priests

and judges. But ancient Israel was a true theocracy - God was the original king of the nation - and the laws of the nation were (every single one of them) God's laws. No nation is a theocracy today, however. We *cannot* simply drop Deut. 17 into any modern judicial system and claim it to be God's will.

There is no reason to assume that modern civil judgments are intended to enforce God's laws or administer holy justice. I mean, have you ever been in a modern courtroom, by any chance? Justice has been totally redefined to mean simply *whatever result the judicial system spits out* after grinding you through the standard *substandard* process. You want to introduce a biblical rule in court? Prepare to be laughed at and scorned.

Nevertheless, I am willing to suppose merely for discussion purposes that buried in this scripture is a general principle that one should not violate a judicial order - a general principle binding on all people in all nations, wherever and whenever. Fine. What does that really mean?

It chiefly means that the general principle (of not acting presumptuously against legal decisions) applies *only to actual judicial orders*. It does not apply to statutes, *i.e.*, actual *laws*. It does not apply to executive orders. It does not apply to judicial decisions in which you personally were *not a party to the case*. Judicial opinions of the U.S. Supreme Court - and indeed any court - only apply to the actual parties to the case. Those are the people to whom any judicial order is directed, and those people only.

No judicial case, and no judicial order or opinion, is binding on all people. Yes, I know in this day and age when madness prevails, that the religious idolatry of judge-made law is one of those things the legal profession likes to believe may not be questioned. It is truly the great sacred cow of our judicial system. Believe it if you want to - but I am not constrained by that way of thinking, and neither are you unless you submit to it. But one thing I can say for sure - Deut. 17 does not require us to obey judicial decisions to which we are not a party. Because *Cooper v. Aaron* isn't binding on God.

Yet, even if I should obey a judicial order specifically directed to me as a party to a dispute, there still are exceptions. If a judge should order a person to stop teaching in the name of Jesus, may we all admit this *might* be a circumstance in which it would be perfectly appropriate to say back to the judge, "We must obey God rather than men"? But I have used a poor example. Don't think for one second that there are not also very many other situations, involving the individual rights I have previously listed, in which it would be just as valid to make the same reply to the judge.

Suppose a judge ordered you to never use even very mild corporal punishment on your child? What if you are ordered to submit to re-education to remove your prejudice against LGBT rights? Suppose your business has a sign on the door that says, "We reserve the right to refuse service to anyone," and you are ordered to remove it and take all comers? Religious liberty is not somehow more worthy of disobedience to judicial orders than other rights granted by God.

Which takes us right back where we started. When push comes to shove, the mere fact that the

oppressive action of government comes in the form of a judicial order rather than a statute makes no real difference to whether man's law or God's law should prevail. *God's laws always prevail.* A judge is no more entitled to violate my God-given natural rights than a legislator or any other public official. A judge, ultimately, is not held to a different standard or measure of lawfulness than other civil rulers. And a judge is not entitled to the benefit of a doubt any more than another government employee, simply because he or she is a judge.

Sure, I would think twice - and you should, too - about disobeying a judge's order in a case where I was an actual party. If for no other reason, the spotlight is on you, you are under scrutiny, and it's not likely you can successfully pull off a disobedience in secret. But even then, some things are worth bringing to the attention of others even at great personal cost, right? And where it's not worth the cost (most cases), find something else to disobey, if you must.

Here's the bottom line: let us assume the scriptures, "*according to the decision which they pronounce to you, you shall do*" and "*we must obey God rather than men*" are both true, valid and binding at the same time. What happens when compliance with these two rules pulls us in opposing directions? As long as a judge's decision complies with the laws of God, well then, sure - by all means we should comply with the judge's ruling because it also means we are complying with the will of God.

But when a judge rules contrary to the laws of God, can anyone seriously argue that obedience to the judge, and not to the laws of God, is what God requires? Especially in America, where the laws of nature and nature's God form the express legal context for the nation and the law of the land, which every judge is bound to uphold - who do these judges think they are, to make contrary rulings?

RESPONDING TO LAWLESS GOVERNMENT

Granted, we live in a fallen world, not just in the aggregate, but each one of us individually. We as citizens will make mistakes of judgment, and every government employee, whether judge, jury or law enforcer, are in the same boat. But does this excuse anyone? Just because everyone is fallen (sinful/lawless), does that actually operate to negate individual responsibility? Of course not.

The governments of this world, so long as they have been in existence, have all been lawless to one degree or another. In my view, they have all been (without exception) *mostly* lawless. It's hard to get a good perspective on the degree of lawlessness in any past society in order to compare it with the world today, but it's safe to assume nothing has gotten appreciably better with time. There have been brief historical instances when by comparison it seemed as if a light was shining more brightly and there was hope for a better future. But all those days of past glory have long since faded.

I don't consider myself a pessimist, because I hold out a great hope for God to restore the planet, society, religion and government. But this will occur in no part due to the efforts of people. Everything we touch becomes more corrupt over time. The world has only ever gotten worse - American society in particular - since the day I was born. I've lived long enough now to see a trend

- and I don't like it. But I cannot deny it.

Is there hope for the future? Not in law, nor religion, nor government. Are you waiting for the next spiritual revival or great awakening? Then, my friend, you are waiting for the Great Tribulation - and you don't want to be there to see it. What am I saying? All the old ways of responding to lawlessness have been tried - and in the long run none of them made any difference. Sure, America broke free from Great Britain, and then what? Self-destruction in the Civil War, and everything has been one giant slide downhill ever since. Sure, we fought off a slew of tyrants in the big one - World War II. So what - where are we now? How long did the light last?

Can you not see it? America has already peaked. Our economy, our might, our justice, our moral character, our spiritual strength, our family life, our neighborhood and community life, and most of all our decent self-government - all these were at their highpoint in the past. None of them are truly strengthening - weakness has come to stay. The book of *Lamentations* is becoming more relevant all the time - you might want to read up on it. Go ahead - grieve for our squandered opportunity.

Do you think improvements in science and technology will save us? Are you waiting to make First Contact, so we'll finally know that we're not alone? Don't make me laugh / gag / puke.

Petition, Flight and Political Action

We have to deal with evil in the world soberly, resolutely, and persistently. We have to confront it head on. We cannot simply run from it, nor is anything helped by endless talk.

My thesis is simple: it is the job of the civil governments of this world to restrain evil in society. When a government fails to do this, and becomes part of the evil in society, it is the job of the people to restrain the government, by whatever means is necessary. If the people fail in this task, the only remedy God has left is judgment, usually by war, plagues and/or dispossession. Look at *all* of the mighty empires and great civilizations of the world - where are they now? First they became corrupt, and then they became part of the dustbin of history. We must not be lulled into thinking that we should take the easiest way around the problem, and then we have done our duty.

That is exactly what those who suggest we should utilize the lesser remedies of petition and flight (among other responses) to combat government tyranny are hoping for. A simple way out - avoiding unpleasant confrontations - not willing to give offense. Running from the problem, is what I call it. Sure, I admit American history furnishes various examples of these responses. Many of the early settlers from Europe - not all, certainly, but a significant number - came for reasons of flight, *i.e.*, fleeing oppression (often for religious reasons).

America also has an unparalleled documentary history of petition after petition, mostly directed to Great Britain, naming grievances, seeking redress or relief, and in general attempting to resolve the differences between the American Colonies and England with diplomacy. If you just trace the scope of grievances, basis claimed for relief, and the form of redress threatened from the *Resolutions of the Stamp Act Congress* (1765), up through the *Declaration of Independence* (1776), you will never

see a series of petitions more thoughtfully presented, logically written, and masterfully constructed than these.

But the responses of flight and petition are wholly inapplicable today. *First*, as to flight, there is simply nowhere left to go. There is no more “New World.” Is there really anywhere one can go to avoid tyranny and still be a part of civilization? How many uninhabited islands are there, which are still unclaimed by a civil government? And if you theoretically were able to find such an island, claim it and move there, how would you possibly defend it? Do you really expect you can go somewhere no one can find you or make trouble for you? Not in the age of satellites and GPS, you can’t. Plus, you run the risk China will simply build a new island next to you.

Besides, what is resorting to flight, except a giving up of trying to enforce the laws of God where one is, in the hope of finding somewhere else less evil? *As if*. But the whole point of rightful civil disobedience is to enforce or implement God’s laws where one is *now*. It won’t help correct an unlawful situation if I just pack up and leave. Civil disobedience is a choice to stay and fight. Flight is just an attempt to escape - an attempt that, in today’s world, isn’t likely to produce any satisfactory results (unless you’re fleeing to America). But tell me, where do the Americans flee to?

Second, is there really anything you can petition about that hasn’t already been petitioned to death? Are you really going to complain about something to your town council, state legislature, or your Congressman, that they have never heard before and at the same time will be receptive to? Do you really think petitioning for an end to abortion, an end to secular humanism being taught in the public schools, or an end to promoting the LGBT agenda, is going to get you anywhere? You mean to tell me we just haven’t petitioned about these things enough yet to warrant taking any further action? Bang your head against that wall if you want - it only stops hurting when *you* stop.

I’m all for participating in the political process, if that’s what you want to do. There is nothing inherently wrong with utilizing social media, paid lobbying, filing lawsuits, and organizing group protests (demonstrations, marches, speeches, rallies). You can try to get a constitutional amendment passed - if you have a decade or two and a few hundred million dollars. Perhaps you want to run for elected office, become a part of the system and work for change from within - because that method has worked so well in the past. Dream on. “Vanity of vanities! All is vanity.” (Ecc. 1:2).

The one rule of government is - “Resistance is futile.” Government stops for no one. Everyone who becomes part of the government eventually becomes part of the problem.

The Doctrine of Lower Magistrates

What other possible responses are left, besides civil disobedience? Well, there’s armed rebellion, and the Doctrine of Lower Magistrates. Both are *impractical in the extreme* - and therefore useless.

Sure, there might be a time, place, or small banana republic country where armed rebellion *from within* would (theoretically) make sense, but: a) it’s probably already been tried there numerous times with disastrous results each time; and b) it couldn’t possibly make sense in America, or any

other major nation, today. You want to take on the full military might of the United States or any other major country by staging an armed insurgency? If so, you can count me out.

Yes, I'm aware of the American Revolutionary War. But that was waged against a foreign power located across an ocean at a time when transportation and communication took weeks or months. In other words, there was a distinct home field advantage in favor of the Colonists. If you declare war against America from within (as a means of resisting or restraining evil), the military forces are domestic, not foreign, communications are instantaneous and transportation is nearly so. Plus, the military has a lock on all the really lethal elements of warfare. There is nowhere you can run to or hide, you cannot possibly win, and you will be hunted down as a domestic terrorist. In the end, you will restore nothing concerning the laws of God.

As for the Doctrine of Lower Magistrates, it is only slightly less useless. The doctrine holds that the unlawful exercise of civil power may be restrained only by a civil officer who interposes himself between the offending civil ruler and the people for the purpose of restoring the lawful use of civil power. The right of interposition is not available to individuals, but only to the lawful representatives of the people. In other words, no one can appoint or declare *themselves* to be a representative of the people - one must actually be chosen by the people one represents. Which means, most of the time, you have to find *someone else in authority* to do your dirty work.

Historically, this was the method by which the American colonists were able to form a legitimate or lawful resistance (under the laws of God - not according to the British). It was possible in the late 1700's in America only because the "official" government originated from and was imposed by an outside body, *i.e.*, the British Parliament. It was actually expected of the American colonists that they would form representative bodies to handle many government tasks while the British ostensibly had overall governing authority. In other words, the colonial governments weren't formed solely for the purpose of revolting - they pre-existed the Revolution by many decades, operating normally.

More modernly, in 1963 George Wallace - the duly elected governor of Alabama (*i.e.*, a *lower magistrate*) - several times personally tried to block a federal court order requiring the integration of black students at various schools and colleges in Alabama. As Wallace viewed it, he was interposing himself between the people of Alabama and the federal government, for the purpose of restoring historic Alabama state laws requiring segregation. For his trouble, he was vilified mercilessly by the media.

You may say, "that's a horrible example." Yet it illustrates how much things have changed, not only since the 1960's, but especially since the 18th century. For better or worse, anyone who is a legitimate *lower magistrate* is in all likelihood a *career politician*. And any politician who attempts to publicly interpose himself for any reason whatsoever, risks being viewed as a loose cannon (at best), more likely branded a rogue operative, and most probably will end his political career. No career politician today wants to have a legacy like George Wallace.

Plus, anyone who actually attempts to set up a legitimate *government within a government* today (*i.e.*, attempting to mirror the Colonial governments) will be accused of creating a dreaded *shadow*

government - to the delight of conspiracy theorists everywhere. The problem is, there is no legitimate reason to set up a shadow government *except for the purposes of revolution or overthrow*. There is simply no possibility today of setting up a secondary government for legitimate ongoing government operations. We simply *cannot* import the methods used 200 years ago into the present.

I willingly concede that the right to alter or abolish the government is not a right of the individual, but is only a right of the whole people acting as a body, usually in a representative form. We have no individual right to abolish the government. Before we can exercise those rights, we must get consent of the governed in some representative way. Attempts to abolish the government - or even to alter it - on an individual basis are *lawless*.

Over the years, people have argued that civil disobedience is similar, *i.e.*, that it is appropriate *only* in a corporate capacity, in which at least some form of the doctrine of lower magistrates is invoked. Which pretty much renders civil disobedience an impossibility, as it depends for its validity on the willingness of career politicians to interpose themselves for each separate act of disobedience. However, I suggest the doctrine of lower magistrates is **only** appropriate in a context of advocating *systemic change, i.e.*, an alteration or abolition of the government, or armed resistance (revolution).

Civil disobedience, by its nature, is completely different. Primarily, the purpose of civil disobedience, as I conceive it, is to restore the operation of the laws of nature and nature's God - not to change the overall system or structure of civil government. To change an individual law - perhaps. To change the government system - no. Plus, civil disobedience can be done on an individual basis, and in doing so you speak for no one else, nor are you doing it for anyone else, so neither the consent nor the representation of others is involved. The whole reason I have framed the nature of our rights, our accountability, and our decision-making authority in individual terms, is to show that ultimately, civil disobedience is an individual matter.

Therefore, I don't find the Doctrine of Lower Magistrates useful in deriving any legal or biblical principles of civil disobedience at all.

Command and Prohibit

I mentioned earlier that I would come back to the topic of whether civil disobedience is limited to instances in which laws are gravely unjust or require those subject to them to do something unjust or otherwise immoral. A classic formulation of the rule goes like this: has civil government prohibited what God commands, or commanded what God has prohibited? Under this formulation, these are the only instances in which civil disobedience is justified.

From time to time, others have suggested an even more stringent test. Namely, in order for civil disobedience to be appropriate, *first*, the command of the government or a civil ruler must operate directly on the potential disobeyer. That is, the disobeyer must be commanded by law to do, or not to do, something. Commands or laws directed towards others don't count. Also, commands which merely limit the means by which the disobeyer fulfills his duty towards God, also don't count. In other words, such laws or commands to not give rise to lawful civil disobedience.

Second, the command of the magistrate must itself be unlawful. That is, the law or command must itself violate the laws of nature and of nature's God, and must also require the disobeyer to violate *lonang*. Whether other private persons are or are not violating God's laws at the same time or in a similar way is irrelevant - we never escape responsibility for our own actions by pointing the finger at other wrongdoers.

Honestly, if these so-called principles are intended to reflect, or be based upon, the laws of nature and nature's God, I can't imagine how. For one thing, the requirement that the command of a civil ruler must operate directly on the disobeyer and not someone else is rather obvious. If I do something that I am not personally prohibited from doing, or fail to do something I am not personally required to do, and the requirement is only binding on others, then my actions are, *by definition*, not disobedient. We are none the wiser for determining when civil disobedience is or is not lawful. It is of no help whatsoever to say that in order for something to be a lawful form of civil disobedience, it must first be disobedient. *Duh!*

But let's get to the heart of the matter. Is civil disobedience appropriate when I am not required to do something unjust or immoral (*i.e., unlawful* as per *lonang*), but I am simply denied the liberty to choose how I would fulfill my duty towards God? I can find no support for such a rule anywhere in scripture, or the laws of nature and nature's God.

There are two instances of civil disobedience in the Bible which almost anyone familiar with scripture knows about. The first is found in Dan. 3, when King Nebuchadnezzar commanded all the people to bow down and worship his golden statue or else suffer a fiery death. However, Shadrach, Meshach, and Abednego (friends of Daniel) disobeyed the king's command and refused to worship his idol. The argument is usually made that obedience would have made the three Jews guilty of idolatry, something expressly prohibited by God. Thus, disobedience was appropriate.

Similarly, when the rulers and elders of Israel prohibited the apostles from preaching in the name of Jesus, Peter and John responded that they were compelled to speak of what they saw and heard (Acts 4:18-20). Shortly thereafter, the apostles were again warned not to teach in Jesus' name, when Peter made the quintessential statement of civil disobedience, "We must obey God rather than men." (Acts 5:29). Another classic example of *faith-based* civil disobedience.

But wait. Were the apostles commanded to do something unjust or immoral? Let us be fair - if the apostles had simply gone elsewhere to preach, or decided to hold a private home Bible study instead of teaching in a public place, would either of those actions have required them to do something unjust or immoral? No, indeed. All the command of the rulers and elders did was to limit the liberty of the apostles to choose *how, when and where they would fulfill their duty towards God*.

Yet, who would deny that the response of the apostles was both an act of civil disobedience, and something that was lawful under the laws of God? Did the apostles act *less lawfully* than Shadrach, Meshach, and Abednego? Suppose the Jewish rulers and elders had not flat out prohibited the apostles from preaching in Jesus' name, but simply required the apostles to get a license to preach. Or perhaps required the apostles to pay over a percentage of earnings derived from their living from

the Gospel (*i.e.*, imposed an income tax).

Did God ever prohibit Christians from getting licenses, or government from granting them? If you find the scripture showing God did either of those, I'd like to see it. Did God ever prohibit Christians from paying fees or taxes? No. Remember "render to Caesar," etc.? Yet, historically in America, both taxation and licensing of religious teachers was viewed as a just cause for civil disobedience. This idea that God doesn't want us to disobey unlawful or improper restrictions on our liberties would certainly surprise the early Americans. Perhaps Patrick Henry, who said "Give me liberty, or give me death!" was outside the will of God in saying that? *Not on your life.*

Instances of Civil Disobedience in the Bible

I hesitate, however, to rely on these few examples to illustrate a general principle of civil disobedience. In fact, these biblical examples have tended to *limit* the understanding of civil disobedience among commentators, primarily because they involve only religious observances or religious liberty. Let's consider some other biblical examples. (This is not intended to be an exhaustive list - only some obvious cases.)

In Exo. 1, the Egyptian midwives disobeyed a direct command of Pharaoh to kill all Hebrew baby boys. When that command was frustrated by the midwives, Pharaoh extended the command to "all his people." (Exo. 1:22). Thereafter, the mother of Moses hid him for three months, and then finally put him in a place where he could be spared. If you argue she was not directly commanded by Pharaoh because she was not one of "his people," just ask yourself whether it was Pharaoh's wish that the baby Moses should live or not. And did his mother submit to Pharaoh's wish or defy it?

Then there is the account in Josh. 2 of how Rahab (a non-Jew) hid the Hebrew spies doing recon in Jericho, and refused a direct order by the king of Jericho to turn the spies out. One could argue, plausibly, that Rahab acted out of no more of a noble purpose than merely saving her own skin (and her family). Yet, she is in the genealogical line of Jesus (a place of honor), and she is listed in the faith hall of fame in Heb. 11.

One could even argue that the command of Jericho's king was not unlawful or immoral. The men Rahab hid were not falsely accused - they were *real spies* sent by a *real enemy* to commit *actual espionage*. If it was *your* home town and the governor issued an order to all citizens to reveal any enemy spies, would you - would anyone - view that as an unlawful or unjust command on the governor's part? Yet, in spite of this, Rahab's civil disobedience was justified.

In 1 Sam. 19, Jonathan disobeyed a direct order from his father Saul (the king of Israel) to kill David. In Dan. 6, Daniel defied an injunction signed by king Darius prohibiting anyone from making a petition (or praying) to any God or man other than Darius. And in Matt. 2, the wise men defied king Herod's command to report back to him the location of the Christ child.

In each of these examples, other than Daniel, no religious motives were attached to the disobeyers. The mother of Moses did what? - she was fulfilling the Dominion Mandate of Gen. 1:28 when

Pharaoh attempted to interfere with her (and her husband's) liberty to bear children. The Egyptian midwives were simply following the general rule, "do not kill" - and not for any religious reasons. Jonathan also followed the moral rule (*i.e.*, law of nature) not to kill. You do realize that each of the Ten Commandments are part of God's eternal moral law (the law of nature), right?

For Daniel's part, again like the apostles, it would not have been unjust or immoral for him to abstain from visibly praying to God in front of an open window (he could have just gone into his *prayer closet*) for thirty days. (Come on - do you really think Daniel was under a *divine duty* to pray by his window three times a day?) But Daniel knowingly and publicly defied the king's order solely to pursue - nay, *flaunt* - his liberty to fulfill his duty to God as he saw fit *in his discretion*. And for that he is also a hero of the faith. Not a lawbreaker. Not a (*gasp!*) poor witness for God.

And what should we say of the wise men? They weren't Hebrews or Christians. Religious motivations were not at play. They disobeyed the king because of a dream. *Because of a dream*. Disobeyers - heroes - dreamers. When I grow up, I want to be like them. But let's complete the analysis - is there some principle in the laws of nature or nature's God that prohibits the reporting of births to the government? We should probably assume the answer is *No*, or else most people reading this are guilty of violating that law. So then, on what *legal basis* were the wise men justified in disobeying the king? ***Are you beginning to see why disobedience is not necessarily confined to very narrow grounds or circumstances?***

So let us finally put to bed (actually, *let us kill and bury*) the ideas that: 1) civil disobedience is not justified when we merely want to fully exercise the liberty God has given us in our unfettered discretion; 2) civil disobedience is only justified for religious purposes; and 3) the authority God has given to individuals and families for economic, occupational and other dominion purposes is any less important, less worthy, or less a proper basis for civil disobedience.

"He has sent me to proclaim liberty to the captives and ... to set at liberty those who are oppressed." (Lk. 4:18). Somebody give me an *Amen*.

The Overriding Duty to Obey the Laws of God

Lawless civil government is everywhere. Lawless individuals are everywhere. Yet all are under the same mandatory requirement to obey the laws of God (the laws of nature and nature's God). God's law, being prescribed by the Creator, is mandatory and binding on all of us *mere creatures*. This duty is unavoidable. It is what Blackstone meant when he said that no "human laws should be suffered to contradict" the laws of God.

You shall be careful therefore to do as the Lord your God has commanded you. You shall not turn aside to the right hand or to the left. (Deut. 5:32).

The end of the matter; all has been heard. Fear God and keep his commandments, for this is the whole duty of man. (Ecc. 12:13).

For truly, I say to you, until heaven and earth pass away, not an iota, not a dot, will pass from the Law until all is accomplished. Therefore whoever relaxes one of the least of these commandments and teaches others to do the same will be called least in the kingdom of heaven, but whoever does them and teaches them will be called great in the kingdom of heaven. (Mat. 5:18-19).

I anticipate that a lot of you right now will take issue with me. How dare I use Old Testament scriptures about the laws of God! Even the quote from Jesus was made while He was *under the law* (i.e., the Mosaic law). See, Gal. 4:4. *We are under grace. not law.*

How can I say this gently? You have been hoodwinked, bamboozled, snookered, taken for a ride, led down the garden path, sold a bill of goods, and conned.

Statements by Paul that we are under grace and not law (Rom. 6:14-15) have unfortunately been extrapolated far beyond the original meaning that *salvation* is a matter of grace rather than law, and taken blindly to mean *all of God's laws* are no longer relevant since Jesus came. This shows a profound ignorance of the scope and enduring relevance of God's laws, but that is the backdrop against which many people begin to assess the matter of civil disobedience.

So one of the first things that needs to be done is for people to realize how extensive God's law is, and the extent to which it touches every aspect of their lives. That is one of the main reasons I gave you that long (partial) list of individual rights - each one of them is an area of life that God's law touches. It is also why I discussed God's laws of authority - so you could see how broad they are.

Do you really think the law of nature *changed* when Jesus came, died, and was resurrected? Did anything Jesus do alter the Ten Commandments? You say, *but those only ever applied to ancient Israel*. Then why have Christians universally adopted them as statements of God's eternal moral law? Who is fighting to keep plaques commemorating the Ten Commandments in public places - Jews or Christians? Perhaps you'd better go back and check the Westminster Catechism.

Recall Blackstone, who said that *the law of nature and the law of revelation* were the supreme legal standard all human laws must conform to. Do you really think he was talking about religious laws, or Jewish laws? No, **he was talking about God's universal laws for all people**, which may be found by observing creation, by carefully studying the Word of God, and by comparing the two with each other.

When the founders of America framed *the laws of nature and nature's God* as the legal context for the nation, do you really think they meant anything other than what Blackstone meant? Don't let your personal opinion of Jefferson's religious views affect your response. He wasn't writing just to express his personal views - he was writing what all the signers of the Declaration of Independence agreed to express after serious consideration and debate.

All I mean to say, by quoting those scriptures about keeping God's commandments, is that God has some universal legal principles he wants everyone to keep - and whatever those are, we had better

be faithful to carry them out and obey them. Your theological views will not excuse your non-compliance.

Consequently, we each have a paramount duty to respond to the lawless actions of others lawfully. You have heard it said, “two wrongs don’t make a right.” Biblically, the corresponding concept is, “don’t repay evil for evil.”

Bless those who persecute you; bless and do not curse them. ... Repay no one evil for evil, but give thought to do what is honorable in the sight of all. If possible, so far as it depends on you, live peaceably with all. Beloved, never avenge yourselves, but leave it to the wrath of God, for it is written, “Vengeance is mine, I will repay, says the Lord.” (Rom. 12:14, 17-19). *See also*, Heb. 10:30; Deut. 32:35; Ps. 94:1; 1 Thess. 4:6; 1 Pet. 3:9.

But remember whose set of definitions controls. When people act lawlessly towards you *according to the laws of God*, then you must respond lawfully towards them *according to the laws of God*. Which will normally mean, in the eyes of the lawless government official, he is acting lawfully towards you *according to the laws of men*, and you are responding towards him lawlessly *according to the laws of men*.

It may seem that every legal question is another version of *one man’s ceiling is another man’s floor*. Translation: one person’s exercise of power is viewed by another as an abuse of it. The other guy is always the lawless one, whether citizen or official. We all act lawfully in our own eyes.

However, don’t get spun into the trap of thinking that therefore, every possible viewpoint is just someone’s opinion, and at the end of the day, the person in authority is the one who must be right. ***The person in authority is you*** - if in fact you know what the laws of God are, and you act consistent with them. Sure, people will have different opinions of what is truly right, and what is truly wrong. *Welcome to the war*. This is what the battle between good and evil is all about.

Woe to those who call evil good and good evil, who put darkness for light and light for darkness. (Isa. 5:20).

[F]or even Satan disguises himself as an angel of light. So it is no surprise if his servants, also, disguise themselves as servants of righteousness. (2 Cor. 11:14-15).

I’ll give you a little hint. Don’t be surprised when government employees claim to be servants of righteousness, even when they are enforcing the most hideous regulations and policies known to man. Did you ever wonder *why* people want to work for the government? Have you ever met a government employee who just loves to tell other people what they must or must not do? I know - *dumb question*. You have to be better than that.

But solid food is for the mature, for those who have their powers of discernment trained by constant practice to distinguish good from evil. (Heb. 5:14).

Do you see that? - *powers of discernment trained by constant practice*. Be honest now - have you constantly been trained in your church to recognize the full scope of the laws of God, the full scope of family dominion, the full scope of individual liberty, and the very limited nature of the biblical functions of civil government? After 50 years of attending your church, have your biblical senses of discernment been made sharp as a tack, or have they been dulled by constant *pablum*? And in your home Bible studies and small group meetings, what do you spend your time talking about? Not the laws of God, I'll wager.

When you decide that perhaps some form of civil disobedience is justified by the laws of God, you'd better be sure about it. And when you are sure, you can have the confidence that when you disobey a government rule, you are in fact, *not* repaying evil for evil. For if you act in conformity with God's laws, no matter what other people think, you are not being evil or acting evil. *It is never evil to obey the laws of God rather than the laws of men.*

Nor is it ever about vengeance. There are plenty of scriptures warning against taking your own vengeance, and I have cited several of them above. Civil disobedience is not a way of getting back at someone. Don't disobey to hurt someone, or merely to show them how they can't boss you around. This is the law of God we're talking about - it's sacred. Disobedience is a way of fulfilling your sacred duty. It's not supposed to be petty, about personalities, or a form of self-empowerment. It's about doing the right thing, even if it costs you.

One little variation

I couldn't help but be struck, as I reviewed the examples of civil disobedience in the Bible, that some of them were motivated not by any *law* of God, so much as by the special *will* of God. I'm thinking specifically about Rahab, and secondarily about the wise men - Gentiles all - who were not bound by any part of the Mosaic law and whose actions did not conform to or restore any universal law of God I can think of.

Yet their actions conformed to the special will of God in each case. And all I mean by that is God had a particular plan to do a specific thing, and Rahab and the wise men willingly participated in it. For Rahab, she was part of God's plan for the Jews to conquer the land of Canaan, and unknown to her, she was part of the genealogy of Christ. For the wise men, they were part of God's plan for the birth (and safety) of the Christ child.

Exceptional cases, to be sure. Yet I can't help but think sometimes God may still have us do things - in this present age, and contrary to the wishes of people in power - that serve a special purpose. Of course, you can never prove to anyone else God told you do disobey someone. But isn't that really just a perfect example of making an individual decision before God and God alone to serve the will of the ultimate superior? Risky - yes, and unverifiable - but still possible. No?

INDIVIDUAL CIVIL DISOBEDIENCE

Competency to Judge Individually

I consider it a settled principle of God's law that we as individuals have the legal competency (or authority) to make an independent judgment about whether, when and how to disobey civil laws. God's dealings with mankind indicate a pattern of Him interacting with each person on an individual basis. God's laws apply to each person individually, and our natural and God-given rights apply to us individually. Ultimately, we are each responsible before God individually.

Therefore, each of us, individually, has the authority to assert our individual rights, to the fullest extent. I do not need anyone else's permission, oversight or blessing to rightfully assert that which God has given to *me*. I may be an idiot about it (which is to say, I may exercise my authority in an unwise or scornful manner), I may get things wrong from time to time, and I may offend others when I do so, *but I still have the right to assert all my rights*. And so do you.

And if I can decide *on my own* to assert my rights, then I must also have the right to decide when, where and how to disobey laws which infringe my natural rights. To disobey a law contrary to God's laws is not a privilege anyone grants me, nor a status that I must earn, nor a right that belongs only to some people but not others. It is a universal right, co-extensive with the natural rights of all individuals.

Indeed, when it comes to deciding whether I should obey God or men, *who else but me* can possibly make that decision? If accountability runs solely to God and all rights are individual, then I am necessarily competent to judge how best to use those rights and whether or not government has overstepped its bounds with respect to them. That's what being accountable to God *means*.

Merely because others (such as civil government) may be vested with the authority to protect some of those same rights does not deny or deprive individuals of that authority - the *principal* (the People) is greater than the *servant* (public officials and government employees). And I am one of the People.

God created people capable of self-government. Remember what I pointed out earlier: no civil power was given to mankind until over 1650 years had passed since creation, and no civil governments existed until almost 2000 B.C. When God created a nation of people for Himself, he gave them no king, but only a judge exercising a very limited judicial power and a commander-in-chief function. God only gave ancient Israel the barest bones of a civil government, and when you think about it, He never did give them a *legislature* (or the power of making laws).

Think also of the Greatest Commandments - you know, *love God with all your heart, soul and mind, and love your neighbor as yourself*. (Mat. 22:37-39). These describe what? - the jurisdiction of the individual. In other words, God's expectations for self-government. And when God gave dominion over the entire earth to the family (Gen. 1:28), He did so 2000 years before there was any civil government.

So where does the supposed need to subject our individual legal compliance or noncompliance with either a lower magistrate or some other *person in authority* come from? God never subjected people to the rule of other people - why do biblical commentators think we must subject ourselves to the rule of others? Perhaps they don't really believe in God ordained self-government. Perhaps they really believe God did, in fact, put certain people over us to rule us. Oh, I wish to God we could rid the world of that heretical notion forever! We are the principals, and the people who lead us (whether church, state or otherwise) are our agents - *they serve us*. Not *vice versa*.

Modern conventional wisdom regards each person as a product of *the system*, or *society*, with the result that we are not individually responsible for our actions - but *this is a lie*.

I completely understand that our system of government, as constituted today, has bought into this lie. God forbid that we should let people decide for themselves how to love their neighbors. We'll pass a mountain of laws that compels them to do business with people they despise, distrust or would rather shun; forces them to fund all kinds of welfare and charitable programs they disbelieve in; and requires them to join and pay dues to organizations whose social and political views they find repugnant.

We also have a whole mountain range of laws telling people how, and how not, to take dominion; what jobs they can or cannot have; what they can, or more usually, cannot do with their own property; how many kids they can have and how to raise them; what to teach in schools; how much they have to pay other people and how to run their businesses; and make them buy auto insurance and health insurance and tell them what the terms of each policy must contain. On top of that we force every single employer in America to be a federal tax collector, an agent of the federal government, without being paid for it and without the employer's consent. You know things didn't used to be that way, right?

Lord knows we can't let anyone truly make their own decisions! If we actually let people decide for themselves *whether or not to buy insurance*, the whole world will fall apart! Didn't I mention it before? It's right there after *Do not covet* - Commandment #11: *Thou shalt buy insurance*. Which is immediately followed by Commandment #12 - *Thou shalt not spank thy children*.

However, just because the rest of the world has given up on self-government, does not mean God has, or that I need to. Only 300 years ago, civil governments used to see it as one of their core functions to legislate how people should love God, via state established religions. Yet, we threw that shackle off, eventually. Maybe someday, when we have become truly enlightened, we'll throw off the shackle of forcing people to love their neighbors a certain way. Yes, I know it's a long shot. But hey - give it a couple million years and we'll *evolve* to that level eventually, right? Nothing is quite so satisfying as random chance over time. No, literally - *nothing*.

Until that day comes, we'll always have civil disobedience. (At least I like to look on the bright side). I don't often quote John Calvin, but here I think an exception is warranted.

We are subject to the men who rule over us, but subject only in the Lord. If they

command anything against him [*i.e.*, God] let us not pay the least regard to it, nor be moved by all the dignity which they possess as magistrates - a dignity to which no injury is done when it is subordinated to the special and truly supreme power of God. On this ground Daniel denies that he had sinned in any respect against the king when he refused to obey his impious decree (Dan. 6:22), because the king had exceeded his limits . . .¹⁷

Isn't It Better to Suffer?

I can already hear the truly pious among us urging an objection - isn't it better to suffer wrong and injustice? Christians have a long history of enduring persecution, even to the point of martyrdom. Isn't that what Jesus would want us to do? Such questions have long ago been asked and answered. Consider Jonathan Mayhew, a Congregational minister who spoke to this question in 1750:

It has often been asserted that the scripture in general (and [Rom. 13] in particular) makes all resistance to princes a crime in any case whatever. If they turn tyrants and become the common oppressors of those whose welfare they ought to regard with a paternal affection, we must not pretend to right ourselves unless it be by prayers and tears and humble entreaties. And if these methods fail of producing redress, we must not have recourse to any other, but all suffer ourselves to be robbed and butchered at the pleasure of the *Lord's anointed*: lest we should incur the sin of rebellion and the punishment of damnation.***

Upon a careful review of the apostle's reasoning in this passage, it appears that his arguments to enforce submission, are of such a nature, as to conclude only in favor of submission to such rulers as he himself describes; *i.e.* such as rule for the good of society, which is the only end of their institution. Common tyrants, and public oppressors, are not entitled to obedience from their subjects, by virtue of anything here laid down by the inspired apostle. I now add farther, that the apostle's argument is so far from proving it to be the duty of people to obey, and submit to such rulers as act in contradiction to the public good, and so to the design of their office, that it proves *the direct contrary*.¹⁸

If we would only learn from our own history, instead of plowing the same ground over and over again for each new generation, then perhaps we could get to the point of advancing the arguments and scriptural analysis of the past *even farther*. Which is exactly what I'm doing. Far from advancing a doctrine which is new or unusual, I'm merely in the flow of longstanding biblical tradition. All while I'm pushing the debate further along.

Sure, you can suffer, if you want. No one is going to force you to commit civil disobedience. All I'm saying is that you have the *option* of disobeying, when it conforms to God's laws. You have

¹⁷ John Calvin, IV INSTITUTES OF THE CHRISTIAN RELIGION, ch. XX (1536).

¹⁸ Jonathan Mayhew (1720 – 1766) was an American Congregational minister at Old West Church, Boston, Massachusetts. These remarks are excerpted from a sermon entitled, *A Discourse Concerning Unlimited Submission and Non-Resistance to the Higher Powers* (1750).

rights - rights given to you by God Himself. He didn't give you those rights just so you could *waive* them at every opportunity. Rights are valid, they should be protected, and are given to you to be used. If God really didn't want you to use your rights, He wouldn't have given them to you. What kind of *steward* are you, if you give away what God has given you at every opportunity?

But wasn't patient suffering modeled for us in the founding of the United States?

Prudence, indeed, will dictate that Governments long established should not be changed for light and transient Causes; and accordingly all Experience hath shewn, that Mankind are more disposed to suffer, while Evils are sufferable, than to right themselves by abolishing the Forms to which they are accustomed. But when a long Train of Abuses and Usurpations, pursuing invariably the same Object, evinces a Design to reduce them under absolute Despotism, it is their Right, it is their Duty, to throw off such Government, and to provide new Guards for their future security. Such has been the patient Sufferance of these Colonies; and such is now the Necessity which constrains them to alter their former Systems of Government. *Declaration of Independence (1776).*

Sure, the Colonies endured patient suffering - *before they started a war*. You might well want to be more guarded in your behavior, and to hold back from taking severe action, when that action amounts to an armed rebellion. But civil disobedience of the type I'm talking about is *not* armed conflict. Besides, if you think about it, what were the people in the American Colonies doing *while they were patiently waiting before starting a war*? They were committing acts of civil disobedience. Yes, yes they were. And doing it at the urging of preachers like Jonathan Mayhew.

Thoreau - On Civil Disobedience

Consider Henry David Thoreau's thoughts on the subject of civil disobedience. It is funny how two people of completely different backgrounds such as Thoreau and myself, for completely different reasons, can come to conclusions which are so similar. Coincidence - or the law of nature?

Why has every man a conscience, then? I think that we should be men first, and subjects afterward. It is not desirable to cultivate a respect for the law, so much as for the right. The only obligation which I have a right to assume, is to do at any time what I think right.* * *

Unjust laws exist; shall we be content to obey them, or shall we endeavor to amend them, and obey them until we have succeeded, or shall we transgress them at once? Men generally, under such a government as this, think that they ought to wait until they have persuaded the majority to alter them. They think that, if they should resist, the remedy would be worse than the evil. But it is the fault of the government itself that the remedy *is worse* than the evil. *It makes it worse.** * *

For eighteen hundred years, though perchance I have no right to say it, the New Testament has been written; yet where is the legislator who has wisdom and practical talent enough

to avail himself of the light which it sheds on the science of legislation? ... There will never be a really free and enlightened State, until the State comes to recognize the individual as a higher and independent power, from which all its own power and authority are derived, and treats him accordingly.¹⁹

Can I get another *Amen*?

Counting The Cost

Make no mistake, civil disobedience often does involve pain and suffering. But so does *doing nothing*, when civil government goes seriously awry. The decision whether to civilly disobey often comes down to a balancing of the costs either way. However, when that time comes, don't forget to factor in the psychological effects.

It costs me less in every sense to incur the penalty of disobedience to the State, than it would to obey. I should feel as if I were worth less in that case.²⁰

Try looking at things the way our ancestors often did - resisting tyranny is a form of obedience to God. If in so doing, we suffer as a result, then we are suffering for the sake of righteousness. What was it the apostle Peter said?

But even if you should suffer for righteousness sake, you will be blessed. Have no fear of them, nor be troubled, ... having a good conscience, so that, when you are slandered, those who revile your good behavior in Christ may be put to shame. For it is better to suffer for doing good, if that should be God's will, than for doing evil. (1 Pet. 3:14, 16-17).

Perspective is everything. If you believe we owe a slavish obedience to every civil ruler and public official (people who are mere mortals in every way like ourselves), it colors your view of who is evil, and who is righteous, whenever civil disobedience is involved. However, if you think like those who came before us, heroes of the faith (and the nation), as it were, your whole perspective reverses. The tyrants become evil, and we (the disobedient) act in faith and righteousness.

Put on the whole armor of God, that you may be able to stand against the schemes of the devil. For we do not wrestle against flesh and blood, but against the rulers, against the authorities, against the cosmic powers over this present darkness, against the spiritual forces of evil in the heavenly places. (Eph 6:11-12 - ESV). For we wrestle not against flesh and blood, but against principalities, against powers, against the rulers of the darkness of this world, against spiritual wickedness in high places. (Eph 6:12 - KJV).

¹⁹ Henry David Thoreau, *On the Duty of Civil Disobedience* (1849).

²⁰ *Ibid.*

Think about spiritual warfare, for a moment. When we wrestle against *principalities, authorities, and the rulers of the darkness of this world*, what do these mean in the real world? Do you think you, personally, are doing battle with angels? No, my friends - these words refer explicitly to the governmental systems of the world, *i.e.*, the *civil governments of Gentile nations*. Consider each key word carefully - *principality* means a kingdom (*i.e.*, a nation and its government), and the Greek word for *authorities* is the same one used in Rom. 13:1.

As for *the rulers of the darkness of this world*, who do you suppose they are? What does the scripture say? "And the devil took [Jesus] up and showed him all the kingdoms of the world in a moment of time, and said to him, 'To you I will give all this authority and their glory, for it has been delivered to me, and I give it to whom I will.'" (Lk. 4:5-6). Who rules the kingdoms of this world? - The Prince of Darkness. And when the devil tempted Jesus, referring to kingdoms and authority, was he talking about angels, or about men? My point is made.

Therefore, when the scripture talks about spiritual warfare, what is it talking about? It's talking about doing battle with the corrupt and tyrannical civil governments of the nations. Which is exactly why our ancestors regarded resisting tyranny as obedience to God - to them, *this was doing spiritual warfare*. What's that you say - that's not what is taught from the pulpit at your church? Perhaps your ministry to rescue the *lost* has just taken on a new perspective as well, eh?

For though we walk in the flesh, we are not waging war according to the flesh. For the weapons of our warfare are not of the flesh but have divine power to destroy strongholds. We destroy arguments and every lofty opinion raised against the knowledge of God, and take every thought captive to obey Christ, being ready to punish every disobedience, when your obedience is complete. (2 Co 10:3-6).

Again, I urge you to look at things practically. When we *destroy arguments and lofty opinions* raised against the knowledge of God, what does that mean in the real world? It means we're doing battle in the war of ideas, changing minds wherever possible, and confronting false ideas and exposing lies in every instance. We don't give in - we *take thoughts captive*, with the intent of *destroying* false ideas. When false ideas about government come at us, we don't give an inch. It's active, not passive.

I also ask that you consider the meaning of the phrase, *being ready to punish every disobedience, when your obedience is complete*. A lot of people aren't comfortable with this idea - maybe you are one of them. But this is what the scripture says. When *our* thinking has been transformed by the renewing of our minds, then *our* obedience becomes complete. When civil rulers and public officials oppose the laws of God and advance false ideas (especially by coercion), then it is up to us to punish *their* disobedience by *our* nonconformity (*i.e.*, civil disobedience).

Yes, you can fully expect to be branded a criminal. No one from the government is going to thank you for your disobedience. The government may very well come after you.

I know the imminent peril to which subjects expose themselves by this firmness, kings

being most indignant when they are contemned. . . . But since Peter, one of heaven's heralds, has published the edict, "We ought to obey God rather than men" (Acts 5:29), let us console ourselves with the thought, that we are rendering the obedience which the Lord requires, when we endure anything rather than turn aside from piety.²¹

These days, it is somewhat fashionable to engage in civil disobedience via the means of a mass public protest - it is so *conveniently anonymous*. Such forms of public displays have their place - but only a very limited one. Participating in a large public protest is very much like praying to be seen, much as the Pharisees did in Jesus' time. If piety is what you truly seek, perhaps you might consider treating civil disobedience the way Jesus suggested we treat prayer:

But when you pray, go into your room and shut the door and pray to your Father who is in secret. And your Father who sees in secret will reward you. (Mat. 6:6).

If you just think about some of the more famous examples of civil disobedience, they were often carried out *in secret*, only being disclosed long after the fact. For example, think about all the people who hid or rescued Jews from the hands of the Nazis, or those who hid and transported fugitive slaves in the *Underground Railroad*. Individual acts of disobedience against duly passed laws, in every instance. Preferring and obeying the laws of God over the laws of men, and *done in secret*. Wouldn't have made sense to do it out in the open, now would it?

The point is, each of us has access and opportunities that are unique to us because of position, employment, education, wealth or location, etc. We each have ways in which we can oppose the tyrannical operations of government that others cannot. My suggestion is simply, *be creative*.

We have liberty

I desire, as much as the next person, "to aspire to live quietly, and to mind your own affairs." (1 Th 4:11). If only that were always possible. But we must also be mindful of the times and seasons. The scripture admonishes us to *both* live quietly *and* to destroy arguments and punish disobedience with the same degree of forcefulness. They are also equally true at the same time. When possible, living quietly is certainly the normal expectation to the extent it is in keeping with God's laws.

But remember, I am considering a limited case - where civil rulers are not acting as ministers of God to enforce His laws or to administer His justice, and are instead usurping or repressing authority God has given to others, or are otherwise countermanding God's laws. In those cases, the rule that *we must obey God rather than men* still applies, and like it or not, you may be put in a situation (not of your own making) where you must choose between obedience to men in positions of authority, and obedience to God.

I am tempted to say that civil disobedience is not only our *right*, but also a *duty* that we must

²¹ John Calvin, *See*, note 17.

observe. And I admit there are some circumstances in which that duty will come into play, such as if you are forced at gunpoint to “deny Christ or die.” The more usual rule, as I said earlier, is to learn when, where and how to pick your battles. Not all government usurpations will affect everyone equally. *You* have to decide which ones, if any, are worth disobeying.

All I’m saying really, is that in those situations you are not *required* to obey the lawless men, but are rather *free to disobey* them and obey God instead. You have the *choice* of whether disobey, and you can do it with a clear conscience. If, that is, your conscience and your mind have been properly trained to recognize and understand what God’s laws are, and to know when others are violating or usurping them. It’s hard to have a clear conscience if, in fact, you really don’t know who’s right or wrong, and you’re just making a guess and hoping for the best.

Ignorance is not bliss. Ignorance is dangerous. Ignorance is also no excuse for not knowing whom to obey, or what God requires. And don’t give me that mere truism, “what does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God?” (Mic. 6:8). Justice is not some loosey-goosey concept that means *whatever feels right* to you. Justice means *doing the will of God*, namely, *following God’s laws*. Unless you know what God’s laws are, you know nothing about true justice. So, get with it and educate yourself.

The key to the matter is training your conscience, and then staying true to it. Even the scripture says:

For why should my liberty be determined by someone else’s conscience? ... So, whether you [obey or disobey], or whatever you do, do all to the glory of God. (1 Cor. 10:29,31).
[Yes, I changed two words. But isn’t the principle the same?]

However, the conscience is not a static thing. You are born with an innate sense of right and wrong (Rom. 2:14-16). As you mature, your conscience can either be corrupted (Tit. 1:15), or it can be trained to be more discerning (Heb. 5:14). Why not seek to inform your conscience, rather than letting it sit in ignorance?

be transformed by the renewal of your mind, that by testing you may discern what is the will of God, what is good and acceptable and perfect. (Rom. 12:2).

Improved discernment comes from *testing*. In other words, you consider various ideas, compare them with the scriptures, work out the logical sense of things, and reach an informed decision. You may even have to *try* some things to see how they affect your conscience and your thinking. This is not a bad thing - it’s a godly thing. It’s what people call *learning from experience*.

“All things are lawful for me,” but not all things are helpful. “All things are lawful for me,” but I will not be enslaved by anything. (1 Cor 6:12). “All things are lawful,” but not all things are helpful. “All things are lawful,” but not all things build up. (1 Cor 10:23).

What is Paul saying here, except that we have liberty to decide difficult questions? Sure, not every

choice to disobey the laws of men will be helpful, or wise, or will build up. Nonetheless, the liberty that we have means that it is *our* decision - no one else can make it for us, and we are not beholden to anyone else's choices.

Finally, let us recall the admonition of David, who extolled the virtues of God's laws with these timeless words:

The law of the Lord is perfect, reviving the soul; the testimony of the Lord is sure, making wise the simple; the precepts of the Lord are right, rejoicing the heart; the commandment of the Lord is pure, enlightening the eyes; the fear of the Lord is clean, enduring forever; the rules of the Lord are true, and righteous altogether. More to be desired are they than gold, even much fine gold; sweeter also than honey and drippings of the honeycomb. Moreover, by them is your servant warned; in keeping them there is great reward. (Ps. 19:7-11).

EPILOGUE

When that great and glorious day comes when the kingdom of Christ is established on earth, and the world is ruled by governors appointed by Him, then I daresay we may safely regard all civil laws as righteous altogether and entitled to an irrebuttable presumption of validity. But until that day comes, the opposite will hold true - not just the occasional, but in fact the great majority of all civil laws adopted and enacted by sinful men, are far more likely to be tyrannical, usurpations, and altogether wicked. And so perhaps it will only be in the future Millennial kingdom, with the benefit of hindsight, that people will fully and finally realize the extent to which modern laws run afoul of the laws of God. I pray that people will be mindful of such things long before then.

Other publications by Gerald R. Thompson:

A Biblical Worldview Primer

A Call For Reclaiming Church Government

A Pro-Life Attorney Explains Why Abortion Is Not Murder (So Please Stop Saying It Is)

Biblical Genealogies and the Law of Inheritance

Brief and Manifesto Against A Mandatory State Bar (co-author)

Civil Disobedience in an Age of Tyranny

Federal Taxation In the U.S.: A Biblical and Constitutional Perspective

Five Biblical Principles of Church Government (that you have never ever in your entire life heard preached from a pulpit)

God's Laws of Authority

The Gospel of the Kingdom

The Great Commission and God's Law

The Israelification of the Church and False Traditions We Cling To

The Kingdom of Darkness

The Last Kingdom On Earth

Legal Equality: No Respector of Persons

Legal Foundations: The Framework of Law

No Part of the Mosaic Covenant Has Ended

Politics & Prophecy: A Lawyer's View of the End Times

The Right To Alter or Abolish the Government

Romans 13: A Short Primer

Self-Government, Conscience and True Liberty

Sex, Crimes & Punishment

Studies in the Laws of Nature's God

Tithing and The Law of God

The Unalienable Right of Property: Examining the 4th and 5th Amendments

When Judges Run Amok: The Lie of Judicial Lawmaking

All these publications and more are available for free download at

<https://lonang.com/downloads/>