

Report
of the
Commission on Theology
and
Church Relations



Civil Obedience and Disobedience

THE LUTHERAN CHURCH — MISSOURI SYNOD

Civil Obedience and Disobedience

The question is frequently asked: To what extent may Christians participate in public demonstrations and other forms of protest against laws which to them seem unjust, or against the inadequate enforcement of laws designed to correct injustice?

In reply to the question, it is necessary to establish some guiding principles:

A. God has instituted civil government as His minister to us for good, for the punishment of evildoers and for the praise of them that do well. (Rom. 13:1-6)¹

Therefore, Christians should respect and obey civil authority and be actively engaged in promoting the common good. (1 Peter 2:13-14; Rom. 13:1-6; 1 Tim. 2:1-2; Large Catechism, I, 150—54; Apology, XVI, 1, 3, 6)²

¹ Rom. 13:1-6: 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 he who resists the authorities resists what God has appointed, and those who resist will incur judgment. For rulers are not a terror to good conduct, but to bad. Would you have no fear of him 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; he is the servant of God to execute His wrath on the wrongdoer. Therefore one must be subject, not only to avoid God's wrath but also for the sake of conscience. For the same reason you also pay taxes, for the authorities are ministers of God, attending to this very thing.

² 1 Peter 2:13-14: 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 wrong and to praise those who do right.

Rom. 13:1-6: See Note 1 above.

1 Tim. 2:1-2: First of all, then, I urge that supplications, prayers, intercessions, and thanksgivings be made for all men, for kings and all who are in high positions, that we may lead a quiet and peaceable life, godly and respectful in every way.

Large Catechism, I, 150—54: The same may be said of obedience to the civil government, which, as we have said, is to be classed with the estate of fatherhood, the most comprehensive of all relations. In this case a man is father not of a single family, but of as many people as he has inhabitants, citizens, or subjects. Through civil rulers, as through our own parents, God gives us food, house and home, protection and security. Therefore, since they bear this name and title with all honor as their chief glory, it is our duty to honor and magnify them as the most precious treasure and jewel on earth.

He who is obedient, willing, ready to serve, and cheerfully gives honor where it is due, knows that he pleases God and receives joy and happiness for his reward. On the other hand, if he will not do so in love, but despises or rebelliously resists authority, let him know that he shall have no favor or blessing from God. Where he counts on gaining a gulden by his unfaithfulness, he will lose ten elsewhere. Or he will fall victim to the hangman, or perish through war, pestilence, or famine, or his children will turn out badly; servants, neighbors, or strangers and tyrants will inflict injury, injustice, and violence upon him. What we seek and deserve, then, is paid back to us in retaliation.

If we ever let ourselves be persuaded that works of obedience are so pleasing to God and have so rich a reward, we shall be simply overwhelmed with our blessings and we shall have all that our hearts desire. But God's Word and commandment are despised, as if they came from some

B. Since at times laws may be unjust or there may be an inadequate enforcement of just laws, Christians have the right and duty to work for the repeal of unjust laws and the proper enforcement of just laws through due process of law. In the evident failure of due process, a Christian may in good conscience participate in public demonstrations designed to dramatize the injustice.

This principle applies not only when one's own legal rights are infringed upon, but also and especially when one joins others deprived of their legal rights. (Prov. 31: 8-9; Gal. 6:2, 9-10; Large Catechism, I, 256—60)³

loutish peddler. Let us see, though, whether you are the man to defy him. How difficult do you think it will be for him to pay you back? You will live much better with God's favor, peace, and blessing than you will with disfavor and misfortune. Why, do you think, is the world now so full of unfaithfulness, shame, misery, and murder? It is because everyone wishes to be his own master, be free from all authority, care nothing for anyone, and do whatever he pleases. So God punishes one knave by means of another. When you defraud or despise your master, another person comes along and treats you likewise. Indeed, in your own household you must suffer ten times as much wrong from your own wife, children, or servants.

Apology, XVI, 1, 3, 6: There we confessed that a Christian might legitimately hold public office, render verdicts according to imperial or other established laws, prescribe legal punishments, engage in just wars, render military service, enter in legal contracts, own property, take an oath when the government requires it, or contract marriage—in short, that lawful civil ordinances are God's good creatures and divine ordinances in which a Christian may safely take part. . . . The Gospel does not introduce any new laws about the civil estate, but commands us to obey the existing laws, whether they were formulated by heathen or by others, and in this obedience to practice love. It was mad of Carlstadt to try to impose on us the judicial laws of Moses.

Julian the Apostate, Celsus, and many others opposed the Christians on the grounds that their Gospel would destroy the commonwealth by its prohibition of legal redress and by other teachings that were not suited to civil relationships. These questions were very disturbing to Origen, Nazianzus, and others, though they are very easy to answer if we keep certain things in mind. The Gospel does not legislate for the civil estate but is the forgiveness of sins and the beginning of eternal life in the hearts of believers. It not only approves governments but subjects us to them, just as we are necessarily subjected to the laws of the seasons and to the change of winter and summer as ordinances of God.

³ Prov. 31:8-9: Open your mouth for the dumb, for the rights of all who are left desolate. Open your mouth, judge righteously, maintain the rights of the poor and needy.

Gal. 6:2, 9-10: Bear one another's burdens, and so fulfil the law of Christ. . . . And let us not grow weary in well-doing, for in due season we shall reap, if we do not lose heart. So then, as we have opportunity, let us do good to all men, and especially to those who are of the household of faith.

Large Catechism, I, 256—60: Therefore God will not have our neighbor deprived of his reputation, honor, and character any more than of his money and possessions; he would have every man maintain his self-respect before his wife, children, servants, and neighbors. In its first and simplest meaning, as the words stand ("You shall not bear false witness"), this commandment pertains to public courts of justice, where a poor, innocent man is accused and maligned by false witnesses and consequently punished in his body, property, or honor.

This problem appears to concern us only a little at present, but among the Jews it was extremely common. That nation had an excellent, orderly government, and even now, where there is such a government, instances of this sin still occur. The reason is this: Where judges, mayors, princes, or others in authority sit in judgment, we always find that, true to the usual course of the world, men are loath to offend anyone. Instead, they speak dishonestly with an eye to gaining favor, money, prospects, or friendship. Consequently, a poor man is inevitably oppressed, loses his case, and suffers punishment. It is the universal misfortune of the world that men of integrity seldom preside in courts of justice.

A judge ought, above all, to be a man of integrity, and not only upright but also a wise,

Ultimately, however, the rights of individuals and proper standards of justice must be established by the government through legislative processes. (Apology, XVI, 7)⁴

C. Recognizing that the will of the Lord is a higher law than that of civil authority (Rom. 13:1), Christians are to obey God rather than man when a civil law conflicts with a clear precept of God, being willing, at the same time, to accept as a part of their crossbearing the punitive consequences of their action. (Dan. 6; Acts 5:29; Matt. 5: 11-12)⁵

This statement is in keeping with the Augsburg Confession, Article XVI: The Gospel does not overthrow civil authority, the state, and marriage, but requires that all these be kept as true orders of God and that everyone, each according to his own calling, manifest Christian love and genuine good works in his station in life. Accordingly Christians are obliged to be subject to civil authority and obey its commands and laws in all that can be done without sin. But when commands of the civil authority cannot be obeyed without sin, we must obey God rather than men (Acts 5:29).

However, when a Christian disobeys a law which he considers to be in conflict with the higher law of God, he should:

1. be quite sure that all legal means of changing the law have been exhausted;
2. consult with men of good conscience to test the validity of his judgment;
3. carry out his act of disobedience in a nonviolent manner;
4. direct his act of disobedience as precisely as possible against the specific law or practice which violates his conscience;
5. exercise restraint in using this privilege because of the danger of lawlessness.

Although a Christian may need to join a protest action, he should guard against identifying himself with groups and individuals who may be protesting the same law

sagacious, brave, and fearless man. Likewise, a witness should be fearless; more than that, he should be an upright man. He who is to administer justice equitably in all cases will often offend good friends, relatives, neighbors, and the rich and powerful who are in a position to help or harm him. He must therefore be quite blind, shutting his eyes and ears to everything but the evidence presented, and make his decision accordingly.

The first application of this commandment, then, is that everyone should help his neighbor maintain his rights. He must not allow these rights to be thwarted or distorted but should promote and resolutely guard them, whether he be judge or witness, let the consequences be what they may.

⁴ Apology, XVI, 7: The Gospel forbids private revenge, and Christ stresses this so often lest the apostles think that they should usurp the government from those who hold it, as in the Jewish dream of the messianic kingdom; instead, he would have them know their duty to teach that the spiritual kingdom does not change the civil government. Thus private revenge is forbidden not as an evangelical counsel but as a command (Matt. 5:39; Rom. 12:19). Public redress through a judge is not forbidden but expressly commanded, and it is a work of God according to Paul (Rom. 13:1 ff.). Now the various kinds of public redress are court decisions, punishments, wars, military service.

⁵ Dan. 6: "Daniel in the Lions' Den."

Acts 5:29: But Peter and the apostles answered, "We must obey God rather than men."

Matt. 5:11-12: Blessed are you when men revile you and persecute you and utter all kinds of evil against you falsely on My account. Rejoice and be glad, for your reward is great in heaven, for so men persecuted the prophets who were before you.

from apparently wrong motives and who may be seeking to capture a movement for their own improper ends.

D. Since in the ethical field Christians do not always see eye to eye, The Lutheran Church — Missouri Synod at its Detroit convention wisely resolved:

That the Synod encourage its members to exercise the greatest care in judging one another in their individual and different responses to complex social problems as each endeavors to apply the divine principle of Christian love to the specific human situation.⁶

E. The foregoing principles can serve to guide also the Christian congregation if it contemplates taking corporate action to protest unjust laws or to seek adequate enforcement of just laws.

It is important that the congregation arrive at substantial agreement both with regard to the nature of the problem and with regard to the method of protest before action is taken in the name of the congregation.

F. In reply to the question: "What is the pastor's role in public demonstrations?" we submit the following:

The principles which should guide the individual Christian apply also to the pastor. He is, in the first place, a Christian living out his life, no less than his members, under Christ as his personal Lord.

In considering his responsibilities and possible action in civil protests he must also consider the special requirements of his unique office as shepherd of the flock of God.

It is incumbent upon him to speak the word of judgment and the word of healing as he seeks to equip his parishioners for their ministry. (Eph. 4:11-12)

G. In conclusion, we may make the following observations:

1. Public demonstrations generally are not contrary to law in and of themselves, and a Christian may at times feel constrained by Christian love to join a public demonstration.
2. Petitioning of the government for a redress of grievances can and should normally be done through due process of law for the preserving of the peace and tranquillity of the nation. However, the breaking of an unjust law, as civil disobedience is at times defined, need not necessarily reflect a spirit of anarchy, criminal intent, or general contempt for laws. It may, in fact, reflect an earnest desire to respect the rule of law and to test the validity of a specific law and so to provide a larger measure of justice.
3. At the same time, Christians should be cautioned against:
 - a) an exaggerated individualism that breeds contempt for law and due process of law;
 - b) the anarchic spirit which pits one segment of the population against another;
 - c) the asserting of individual rights at the expense of the rights of others.

⁶ *Proceedings* of the 46th Regular Convention of The Lutheran Church — Missouri Synod, Detroit, Michigan, June 16—26, 1965, Resolution 9-22, p. 171.