

A Short Theology of Faithful Disobedience

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The theological question of civil disobedience has arisen recently in response to the COVID-19 pandemic, because governments are placing restrictions on a wide range of social activities: businesses, schools, entertainment, travel, etc. Churches are also being restricted. Many Christian leaders have begun to consider the question of whether the government has overreached its authority in restricting the church. Some have already decided the question and are calling for defiance of these orders.

The situation at hand is complicated by several factors:

- scriptural admonitions for and against,
- constitutional arguments,
- legal liability consequences of defiance,
- instances of government's uneven application of the health restrictions,
- negative media attention and the potential damage to the witness of the church in the community,
- the issue has become a political football in a rancorous political war, and
- suspicion that the pandemic itself is overstated, a hoax, or even a conspiracy to pave the way for Big Brother.

Like all complicated matters, it is best to resolve the larger theological issue first, before trying to unravel the unknowns. In this case, that means providing some clarity on a Biblical Theology of Civil Submission or Faithful Disobedience.

Biblical Foundation: The Christian's Duty to the Government:

There are four primary passages in the New Testament that establish the Christian's duty. It's important to quote them in their entirety:

Mathew 22:21 *"Render therefore to Caesar the things that are Caesar's, and to God the things that are God's."*

Romans 13:1-2 *"Let every soul be subject to the governing authorities. For there is no authority except from God, and the authorities that exist are appointed by God. Therefore, whoever resists the authority resists the ordinance of God, and those who resist will bring judgment on themselves."*

Titus 3:1-2 *"Remind them to be subject to rulers and authorities, to obey, to be ready for every good work, to speak evil of no one, to be peaceable, gentle, showing all humility to all men."*

1 Peter 2:13-19 *"Therefore submit yourselves to every ordinance of man for the Lord's sake, whether to the king as supreme, or to governors, as to those who are sent by him for the punishment of evildoers and for the praise of those who do good. For this is the will of God, that by doing good you may put to silence the ignorance of foolish men-- as free, yet not using liberty as a cloak for vice, but as bondservants of God. Honor all people. Love the brotherhood. Fear God. Honor the king. Servants, be submissive to your masters with all fear, not only to the good and gentle, but also to the harsh. For this is commendable, if because of conscience toward God one endures grief, suffering wrongfully."*

(This 1 Peter passage transitions to the subject of submission to lesser authorities, but it is included here because it contains some related instructions about the purpose and attitude of the Believer.)

A quick review of these passages determines some key points:

God has established a role for secular government in this world. This is an important point—much of Islam teaches that non-religious governments are illegitimate, that there should be no distinction between government and religion. Many Christians seem to lean in this direction as well, advocating that Christians should take over the job of governing society. However, this is

not a New Testament theology. While we may rejoice when a Christian is chosen to serve in a governing role, we should be careful to avoid the idea that secular government is illegitimate.

Resisting government is resisting God. Before we jump to the question of when disobedience is appropriate, we need to acknowledge the foundational idea that resisting government is resisting God. This point is plainly made, *“whoever resists the authority resists the ordinance of God,”* and *“this is the will of God.”* When we finally get to the question of appropriate disobedience, we need to consider that question in the light of this truth, remembering that dismissing this obligation too quickly will result in bringing judgment on ourselves. This ought to measure our decisions.

Submission to the state and interaction with the state is a component of the Church’s witness to the world. We see this in the phrases regarding, *“showing all humility to all men”* and *“silencing the ignorance of foolish men.”* The church has a mission to bear witness to the state. Jesus issued a Great Commission wherein he said, *“make disciples of all nations.”* The nuance here is that the target is not merely *“all individuals”* but, in some respects, *“to all governments.”* Peter’s words remind us that our behavior toward the state *“shows”* our witness. We are reminded that the efficacy of a Priest relies on being *“one of the people,”* (Hebrews 4:15, 5:1) and insistence that the church is *“not one of the people”* diminishes its witness.

Freedom does not need to be exercised. The Christian is aware that God is supreme, that human leaders have limitations, and that human leaders are accountable to God. So, when humans government contradicts God or seems to disqualify themselves, the Christian *“might”* consider themselves free to disobey. However, this is a freedom, like all others, that can be abused. Peter advises that freedom does not need to be exercised, that one can willingly submit, and even endure hardship and injustice for the sake of testimony. Further, he warns that using this freedom for selfish purposes exposes a false motive which invalidates the freedom, corrupts the action, and harms the Christian’s testimony.

Biblical Factors Justifying Disobedience.

Despite the passages mentioned above, the scriptures also contain examples of faithful disobedience. The following examples illustrate instances where obedience to God or a moral belief may require disobedience of a civil authority. These instances involve a significant moral objection, rather than instances where the disobedience is merely criminal or political.

Exodus 1: Shifrah and Puah, the Egyptian midwives, refused to murder the Hebrew babies.

1 Samuel 14: The people resisted Saul in his attempt to impose an unjust death penalty on Jonathan.

Daniel 3: Shadrach, Meshach, and Abednego, the three Hebrew men, who refused to worship the image, and were consequently thrown into the fiery furnace.

Daniel 6: Nebuchadnezzar decreed that anyone worshipping or praying to another god (other than himself) should be cast into the lion's den.

Esther: Queen Esther disobeyed the King's prohibition about approaching him, to save the Jewish people from genocide.

Mark 13:9 *"They will deliver you up to councils, and you will be beaten in the synagogues. You will be brought before rulers and kings for My sake, for a testimony to them."* (Note: This passage predicts that a time will come when Christians will be compelled to violate the law, and that the Christian's disobedience is a witness to the world.)

Acts 4:19-20 *"But Peter and John answered and said to them, "Whether it is right in the sight of God to listen to you more than to God, you judge. 20 "For we cannot but speak the things which we have seen and heard."*

Acts 5:29 *"But Peter and the other apostles answered and said: "We ought to obey God rather than men."*

(These Acts passages are included here for obvious reasons. However, it must be noted that Peter's statement was not made to Caesar, Herod, or Pilate, but to religious

leaders. Furthermore, the issue was not a matter of law but of doctrine. Although this is an example of conscientious objection, it is not an example of civil disobedience. It must be noted that the threshold to justify dismissal and disobey a religious leader about a religious restriction would be much lower than to dismiss and disobey a legal leader about a matter of law. Peter might have used more deferential language had he been speaking to a civil authority.)

A quick review of these passages determines certain key points:

Appropriate disobedience is determined by the circumstances. Sometimes the disobedience was a public demonstration while at other times it was a hidden refusal. Scholars on the subject often identify a spectrum of civil responses that can be placed on a scale 1) private non-compliance, 2) public protest, 3) public and purposeful disobedience, 4) forceful resistance, and 5) revolution. In this last state, the actor has rejected the government and is working to replace it. It is not necessary that every immoral law or injustice be answered with an extreme response.

Faithful disobedience is only appropriate when there is significant moral violation or social harm. The examples above involve infanticide, genocide, unjust death sentence, and forced idolatry. As mentioned above, a Christian should not easily dismiss their obligation to submit to the government.

Faithful disobedience arises out of conscience. The matter must violate the individual's conscience. This is distinct from the previous point in that the first involves harm to others while the second involves harm to self. This factor is especially determinative of the appropriate response. For example, the difference between a conscientious objector of military service from a protestor of a war effort. The different type of objection will engender a different response.

Faithful disobedience requires more than a denial of personal rights or personal gain. All of the individuals in these instances were acting on behalf of others or to their own detriment. None were acting in their own interests.

Faithful disobedience usually presumes a willingness to accept the legal consequences of disobedience. All the individuals in these instances (with the exception of the Egyptian midwives) were willing to accept the punishment for their disobedience. This willingness to accept punishment not only demonstrates the lack of self-serving motive, but it also affirms the allegiance of the individual to the rule of law and to the government. Without this willingness to accept the consequences, disobedience might be ordinary criminal behavior. The motive of the individual and the presence or absence of personal gain can legitimize or delegitimize faithful disobedience. We cannot know for certain the motives of the Egyptian midwives, but it is likely that their lying was not merely to escape punishment, but also because confession would inevitably lead to Pharaoh replacing them with midwives who were willing to kill, and hunting down the babies that escaped. They could not confess.

Faithful disobedience is peaceful. In none of the above instances did any of the actors take up a weapon, or even become angry. The actors did not challenge the governor, they did not shout at the governor, or accuse the governor. We acknowledge that there may arise extreme circumstances where forceful response is justified (as when pastors of churches in the American Colonies supported the Revolutionary War against King George) but there is no good example of this sort of action in the New Testament. The early church did not forcefully revolt against Pilate, Herod, or Caesar.

Faithful disobedience has a witness component. The act of faithful disobedience is a testimony to the world. The Mark passage reminds us that that we are to continue to be a witness to the very people who persecute us.

If we put all of these things together we can compile a list of factors to consider, in determining whether disobedience is justified and what type of disobedience is appropriate. It is not required that all of these points be satisfied, they are merely questions to be considered.

1. The law opposed
 - a. Is the government requiring us to commit an act that will cause injury or harm to another?
 - b. Is the government requiring us to worship a false god?
 - c. Is the government's requirement a violation of a core tenant of the faith?
2. The response necessary
 - a. Is disobedience necessary to prevent injury or injustice to another?
 - b. Is disobedience necessary to prevent serious violation of my conscience?
 - c. Have all other means to avoid disobedience have been exhausted?
3. The motivation
 - a. Is my action self-serving or absent personal gain?
 - b. Is my action done with the intention to bring change? ¹
 - c. Is my action consistent with my convictions and my conduct?
 - d. Am I willing to accept the consequences for my disobedience?
 - e. Does my deportment manifest the grace and love of Jesus?
4. The action taken
 - a. Is the act of disobedience non-violent in fact and in in temperament?
 - b. Does the action positively affect the witness of the church to society
 - c. Is the act of disobedience proportional and appropriate to the circumstances?

¹ Secular sociologists view publication of the disobedience as a requirement to justify disobedience, as intent to bring change is the only justifiable reason (in their value system) to disobey. In Christian circles, the intent to obey God, provides another justification, and so public display may not be as important a factor. But the factor is mentioned here.

COVID health restrictions

Recent events in our nation have caused Christian Leaders to wonder whether our government has discriminated against the church and whether disobedience is justified or required.

We want to point out that the accusation of “discrimination” is an accusation that the government has violated its own laws, not that the Christian is being forced to violate God’s laws. This is a legal objection, not a theological one. Many seem to mix legal and scriptural arguments without realizing it. The point of this paper was not to address the legal aspect of the matter, but it is beneficial to address it briefly.

The Legal Issue.

As stated, the common accusation is that the Governor has violated the First Amendment right to free exercise of religion. Many lawsuits have been filed by churches on this matter. Two of them (one in CA and one in NV) were denied and appealed, and denied again, until they were heard by the Supreme Court. In both cases, the Supreme Court denied the church’s claim and upheld the right of the state. The majority opinion is that the COVID threat justified the restrictions and that the restrictions on the church were not discriminatory as compared to the restrictions imposed on similar entities.

Another common complaint is that the governor has protected the first amendment right to peaceably assemble (protests) while not protecting the first amendment right to freedom of religion. There has not been (to our knowledge) a suit filed on this ground. Every lawsuit is unique (applying unique circumstances to a law) and a case citing disproportionate restrictions (protests vs. worship) might be successful. However, at this point, the highest court in the land has ruled that the governor’s restrictions are not unconstitutional.

The reality is that the governor is treating the church more or less the same as the rest of society--bars and schools are closed, sports and concerts are stopped, barbershops and restaurants are closed. While we may point to some instances where the restrictions may be unevenly applied, we cannot say that this is a direct attack on the church.

Some may deny the reality of the threat and claim that there is some government conspiracy to falsify the data. It remains to be seen whether this is true or not, but if it's true, we have to admit that this conspiracy is NOT directed at the church--it is directed at the numerous other freedoms our constitution allows (freedom to work, freedom to walk in public spaces, freedom to go to a restaurant or a ball game.)

We may disagree with the health order, agreement is not a prerequisite for obedience. If a governor has violated the Constitution, then the remedy for that violation is in the Court. No citizen (Christian or not) is excused for violating a law merely because they believe the law to be illegitimate: it is legitimate until the court says otherwise. A citizen's opinion that it is illegal is irrelevant. One who chooses to violate a law on the opinion that it is illegal is guilty of a crime, and their opinion about the law is no defense.

If, however, a citizen has a moral objection to the law, then that citizen may be required to claim conscientious objection. Even then, the objector is not excused, but suffers the legal consequences of their objection.

The Biblical Issue

One prominent pastor published a statement dismissing the Christian's obligation to follow the orders of the governor. The pastor tried to avoid the legal argument (with limited success.) The key points of his statement were: *Christ is head of the church, not Caesar. God has appointed civic rulers for a particular purpose and the Christian has a duty to obey them **except** when they intrude on church matters. The governor has exceeded his jurisdiction and the orders to suspend worship gatherings prevents the church from being the church, prevents the Christian from performing their scriptural duty, and is an attempt to supersede the role of the church leader. The governor has exceeded his jurisdiction and the duty to obey is dismissed.*

While we would all agree that Christ is the head of the church, when we apply the factors above to the issue, it is apparent that this matter may not rise to the level where faithful disobedience

is justified. The author mischaracterizes the nature of the governor's orders and mischaracterizes the nature of the Christian's obligations.

The governor's order prohibiting gathering indoors does not violate a core tenant of the Christian faith. The governor did not forbid worship or gathering. He only forbids gathering in doors.

Our theology of worship is built on the words of Jesus in John 4:23 Jesus said to her, *"The hour is coming when you will neither on this mountain, nor in Jerusalem, worship the Father.... But the hour is coming, and now is, when the true worshipers will worship the Father in spirit and truth; for the Father is seeking such to worship Him."* And also in

Mathew 18:20 *"For where two or three are gathered together in My name, I am there in the midst of them."*

The obvious points of these texts are 1) that the physical location of worship is not critical, one can worship outdoors as easily as indoors because worship is "in spirit and truth," and 2) that the size of the gathering is not critical. No Christian should feel guilty of great moral disobedience by worshipping the Lord in an outdoor location. The governor's restriction should not require the Christian to violate their conscience, prevent the church from being the church, or prevent the believer from fulfilling a mandate.

The argument also falls short on the issue of motivation. It does not appear that the Pastor's statement is designed to bring change, but is an abrupt renunciation of the governor's authority and emancipation of the church from the rule of law. Furthermore, the injustice alleged is not a harm to another, but to themselves. And the effort does not convey a sense of witness to the state, but merely of defiance. We want to caution Christian Leaders from making THIS issue the one on which the church says, "We are no longer a part of this society."

The author claims "God has not granted civic rulers authority over the doctrine, practice, or polity of the church." This statement sounds like a biblical argument, but it is really a legal argument: there is no biblical reference provided and the Bible is not clear on what "God has granted" in this area. We suspect that the words, "practice and polity" need to be stricken from the sentence because the church has long acknowledged and accepted that the government

has some jurisdiction over its practices and polity. There are many religious practices that are illegal: Polygamy, snake-handling, and withholding medicine from a minor are all illegal. Burning candles in worship is often restricted. The government also has jurisdiction over church facilities—all subject to zoning, building codes, health codes, and other regulations. Furthermore, the government has jurisdiction over aspects of church polity, which are subject to a number of federal and state laws. The church's status as a non-profit corporation is a creature of federal and state laws, the state approves the church's Articles of Incorporation and provides many other protections and benefits.

Our government provides many benefits to religious organizations which are predicated on qualification and compliance with state and federal laws. It seems hypocritical to take advantage of the benefits, while denying that the state has any jurisdiction over the church. This is especially relevant for those pastors that applied for the Paychex Protection Plan during the COVID crisis. The pastor signed an agreement to comply with certain conditions and laws, and the government provided them with money to pay the church's salaries for eight weeks. It's hypocritical to request the money, make the agreement, take the money, and then claim, "the government has no jurisdiction over us."

The unqualified declaration, "we must obey God rather than man" seems premature and radical. Premature, because they have not satisfied the questions discussed above. The issue and the motive of the declaration does not rise to the level that would justify faithful disobedience. It is extreme because, without qualification, it is an affronting rejection and declaration of independence. The author does not take care to say, "We respect government and want to continue to enjoy good relations with our government, but in this one point we must disobey. We are willing to pay whatever fine or consequence our disobedience calls for in order to demonstrate our commitment to the rule of law and our general loyalty to the government."

Without this qualification, the declaration raises the question about the relationship and recognition of the church going forward. Have they renounced their legal status? Have they forfeited their legal benefits?

We also think it's also important to remember that scripture and history teach us that past persecution of the church was always legitimized on the premise that the Christians were "anti-social" and that their nascent independence was a danger to society. Many of the New Testament authors take care to counter this premise. The greatest example of this is the entire book of Mark. It is agreed that one of the underlying perspectives of this gospel was to defend against the view that Christians were an enemy of Rome. Mark presents a Christian faith that was not a danger to Roman society, and the view that one can be a Christian and a Roman, too. Our understanding of the Book of Revelation is that the future persecution will have a similar premise. In light of this, we find it very disconcerting that so many Christians are rushing to prove the very point that will be used to persecute us.

In light of these facts, we are not ready to emancipate and separate from the state. This country was founded on religious freedom. We recognize that balancing the rights and obligations of different entities and people is difficult, as rights often conflict. While the government may not always do it the way we prefer, we think most would agree that it is still the best government on the Earth, and the one that gives the greatest freedom to the church. There may be a day when we renounce the state. When that happens, we will surrender all of the special protections and benefits this government gives to the church: Indemnification, tax exemption, religious rights, and more. When we become enemies of the state these will all go away, but not before.

“Let your speech always be gracious, seasoned with salt,
so that you may know how to you ought to answer to each person.” Colossians 4:5

Rejoice I hope, be patient in tribulation, be constant in prayer.” Romans 12:12

Addendum: It is important to consider the legal liability of defying a public health order. If the church defies a public health order and someone gets sick, the resulting law suit will be a criminal negligence suit. This differs from a normal negligence suit: 1) the church's insurance will not pay for legal defense or any judgment, 2) the individual board members, and officers of the corporation, will be named personally and held personally liable for the judgment. Furthermore, if the person who got sick dies, the pastor may be charged with involuntary manslaughter. This is unlikely, but it is possible.