



STATEMENT DE203

OPERATION RESCUE: DEBATING THE ETHICS OF CIVIL DISOBEDIENCE Two Opposing Views by Francis J. Beckwith and John Feinberg

CIVIL DISOBEDIENCE AND ABORTION: A MODERATE DEFENSE

by Francis J. Beckwith

Morally reflective people have wrestled with the question of whether civil disobedience is ever morally justified, and if so, under what circumstances?¹ Throughout history there have been cases of civil disobedience that seem morally justified, including: the early Christian church's refusal to obey the government's command not to preach the gospel (Acts 4); Martin Luther King, Jr.'s refusal to obey racially discriminating laws;² and Christians' violation of religiously oppressive laws when smuggling Bibles and doing missionary work.

Many pro-lifers who peacefully block abortion clinics defend civil disobedience from a theological/biblical perspective, and some of their critics thoughtfully argue against them from that perspective as well. I maintain that pro-lifers have a *right* to violate antitrespassing laws in order to rescue unborn children. I do not contend, however, that pro-lifers have a moral *obligation* to do so, since it would be physically impossible as well as entail significant personal risk to save every oppressed person — born or unborn — by breaking the law.³ Moreover, I believe that prudential considerations — those having to do with whether rescuing as a strategy will do greater harm than good in changing minds and laws — may well lead pro-lifers to avoid civil disobedience altogether during this stage of the abortion controversy in North America.

My position differs from that of Randall Terry, the founder of Operation Rescue (OR), the pro-life group that has given high visibility to pro-life civil disobedience. Terry argues that Christians are obligated to violate the law.⁴ My position also differs from certain pro-life critics of Terry, such as Norman Geisler and John and Paul Feinberg, who argue that as the current law exists people have *no right* to engage in pro-life civil disobedience.⁵

DEFENDING PRO-LIFE CIVIL DISOBEDIENCE

There are many biblical instances of divinely approved civil disobedience.⁶ In Exodus 1:15-22 Pharaoh commanded the midwives to slay every male Hebrew baby. But Hebrew midwives Shiprah and Puah "feared God and did not do what the king of Egypt had told them to do; they let the boys live" (v. 17, NIV). As a result "God was kind to the midwives and the people increased and became even more numerous. And because the midwives feared God, he gave them families of their own" (vv. 20-21).

CRI, P.O. Box 8500, Charlotte, NC 28271
Phone (704) 887-8200 and Fax (704) 887-8299

In 1 Kings 18:4 wicked queen Jezebel "was killing off the Lord's prophets." In defiance of her orders the prophet Obadiah "had taken a hundred prophets and hidden them in two caves...and had supplied them with food and water" (v. 4). Although Scripture does not explicitly approve of Obadiah's act, the context and manner of the Bible's presentation implies that God condoned it (*see vv. 13-15*).

In Joshua 2:1-14 Rahab saved the lives of two Hebrew spies by hiding them from soldiers who were searching for them. Randy Alcorn points out that "the spies had no legal right to be in Jericho, while the soldiers had every legal right to apprehend them."⁷ Other instances of divinely approved civil disobedience can be found in Exodus 5, Daniel 3 and 6, Acts 4, and Revelation 12-13.

These and other biblical cases of justified civil disobedience seem to have the following factors in common: (1) the state commands the believer to do something contrary to the Word of God; (2) the command is disobeyed; and (3) there is explicit or implicit divine approval of the refusal to obey the state.

Since the Bible permits or commands Christians to disobey the law only when the state *commands* them to do evil or not to do good (Acts 5:28-29), some opponents argue that pro-life civil disobedience is wrong because the state does not compel pro-life Christians to abort *their* unborn children or to participate in abortions. This argument does not succeed for at least two reasons.

First, by forbidding the rescuers to exercise Christ's command to "love your neighbor as yourself" (Matt. 22:39), the government is in fact compelling pro-life Christians to do evil (or at least not to do good). Pro-life Christians believe the unborn child *is* their neighbor and to rescue that child from certain death is a good thing.

Second, this objection fails if one believes that those who broke the law when hiding Jews from the Holocaust did a good thing. Based on the reasoning of those who oppose pro-life civil disobedience, those who rescued Jews from the Holocaust were wrong since the state was not compelling most of them to kill a Jew or to work in a concentration camp.

OBJECTIONS

To better understand my view, consider a few objections to pro-life civil disobedience. Since it is impossible in the allotted space to address every objection in the abortion literature,⁸ I have chosen three that are the most forceful and popular.

Objection 1: *The tactics of certain groups involved in civil disobedience will lead to violence against clinics and doctors, since anything can be justified to "save lives."*

There are at least three problems with this argument. First, this objection commits the "slippery-slope" fallacy. It occurs when a person believes that if a certain thing is allowed, it will eventually lead to something bad or far worse. For example, if I were to argue that elementary schools should not ban fifth-graders from reading hard-core pornography because it would eventually lead to banning good literature, I would be committing the slippery-slope fallacy. I would be making the mistake of assuming that there are no distinctions between forms of literature and that we cannot make rational judgments about such matters.

When arguing against the rescuer, the person who commits this fallacy mistakenly assumes that because something *might* lead to something bad or far worse, it *must* lead to something bad or far worse. If this reasoning were correct, however, then no action would ever be justified, since it is possible that any action *might* (in a broad logical sense) lead to something that is undesirable.

This objection incorrectly assumes that the pro-lifer cannot make distinctions between degrees of law-breaking, and that once one allows for peaceful civil disobedience, revolution must follow. The opponent to pro-life civil

CRI, P.O. Box 8500, Charlotte, NC 28271
Phone (704) 887-8200 and Fax (704) 887-8299

disobedience has not proven that the civilly disobedient pro-lifer is incapable of providing compelling reasons not to employ violence.⁹

Second, this objection apparently assumes that some rescuers may believe that the *end* (saving unborn children) justifies the *means* (including violence), but this assumption seems unwarranted. The rescuers' view is simply that the command to save lives is greater than the command not to trespass. Therefore, it is not necessarily true that the rescuers believe they have the option of using violence whenever they think it may achieve their end.

For example, AIDS activists may believe it is their duty to stop the spread of AIDS. But it would not follow that they would be required to kill every person who is currently diagnosed with HIV or AIDS, even though that would achieve their ends. AIDS activists and pro-life activists do not hold their positions in a moral vacuum; both groups hold to certain other values (i.e., respect for life, the social order, laws, and so forth) that also play a part in their moral decision-making.

Third, even if the rescuers' position were consistent with the use of violence, this would not mean a rescuer would be morally *required* to engage in such activity. That is to say, rescuers could grant to their objector that they are morally justified in blowing up a clinic (if they are certain beyond a reasonable doubt that no innocent persons would be harmed) as well as attacking a physician who is about to, or is in the process of, killing an unborn child. Rescuers, however, could argue that out of prudential judgment there is no reason to resort to such tactics. Simply because something is morally permissible does not mean it is prudent to do it. Just because I *can* do something does not mean I *must* do it. Consequently, even if the use of force were morally justified, prudential judgment indicates that in the current stage of the abortion debate it would be severely counterproductive.

Objection 2: *Since spiritual death is worse than physical death, rescuers should also block the entrances to churches that lead people to spiritual death.*

Problems with this objection can best be illustrated by the following example: Suppose one had to choose between stopping one of the following two fathers. Father A is taking his son to the woodshed to kill him with a 44-magnum handgun, but only after an hour of torturing him by covering his body with battery acid. Father B is taking his son to the First Church of the False God, where they will attend Sunday service and return home. Even though spiritual death is ultimately worse than physical death, it seems obvious that the rational person would choose to stop Father A, based on two considerations.

First, physical death and spiritual death are fundamentally different. Just as in the case of Father A, the physical death in abortion is inflicted on someone *by another* and is irreversible. By contrast, spiritual death is *self-inflicted* (people *choose* to reject God) and can be reversible prior to physical death.

Second, one prevents physical death differently than one prevents spiritual death. One cannot prevent the spiritual death of another by blocking the entrances to churches. People choose to reject the Lord apart from whether or not they will enter a building. One can only hope to prevent the spiritual death of others by telling them the truth about the Lord and praying for them. Consequently, the child who is led to a false church by his or her parent will ultimately have the opportunity to make a choice for himself or herself after reaching the age of accountability. On the other hand, one can prevent an abortion (physical death) by blocking the entrances to an abortion clinic.

Objection 3: *Rescuing makes the pro-life movement look bad and divides the movement.*

This is a prudential judgment, not a moral argument. Rescuing may hurt the pro-life movement in terms of popularity and group unity, but it may still be morally justified. Prudential judgments and considerations should never be underestimated, for they are important to political strategy. But they are not decisive in moral judgment. For example, just as giving money to a homeless person may be imprudent (that person may buy whiskey), rescuing may be imprudent as well (it may undermine the long-term political goals of the pro-life movement). Yet both acts may be

morally permissible.¹⁰

CONCLUSION

It seems that pro-life civil disobedience is morally justified from a biblical perspective. When we look at the Bible, we find that it allows for the violation of a law when — whether directly or indirectly — it prohibits one from obeying a command of God. Since pro-life Christians are required by the enforcement of trespassing laws not to love their unborn neighbors, the law indirectly commands Christians not to obey Jesus' command to love one's neighbor as oneself. Meanwhile, the objections to this view are not compelling. In addition, since pro-life civil disobedience is not morally obligatory, the question confronting the pro-life movement is whether it is a prudent thing to do. The leadership of those groups that engage in pro-life civil disobedience must answer this serious and important question.

CIVIL DISOBEDIENCE AND ABORTION: AN OPPOSING VIEW

by Paul Feinberg

The apostle Paul said that a God-ordained duty of human civil governments is to reward those who do good and punish evildoers (Rom. 13:1-7). When governments fulfill their duty, it should be easy for Christians to support them. When civil authorities fail in this duty, however, Christians find themselves faced with a crisis of conscience. This is particularly the case when a government grants its citizens a legal right to do something immoral.

Christians have wrestled with this problem throughout church history, and unfortunately they have not always come to agreement on what the duty of a disciple of Christ should be. Therefore, it should not surprise us that Christians do not agree on what should be done concerning the liberal abortion laws that are presently in place in North America.

I shall argue for a position that has two elements to it. First, civil disobedience is not always wrong. Cases clearly exist in which it is our duty to disobey the demands of our government. Second, however, conditions that obligate Christians to acts of civil disobedience *do not presently exist* in North America with respect to the abortion laws.

DEFINITIONS AND DISTINCTIONS

To understand my position it is necessary to give some important definitions and make some critical distinctions. First, not all forms of protest against a government's actions require civil disobedience. In fact, means of protesting do exist *within* the laws of the land. What characterizes civil disobedience is that it involves breaking a law passed by the government.

Second, it is important to see that civil disobedience takes two forms. Citizens may demonstrate their disagreement with certain laws by taking *violent* action. Actions of this sort may result in personal injury, even death, and/or the destruction of property as in the bombing or arson of abortion clinics. Citizens may also show their displeasure with laws by engaging in *nonviolent* action. In the civil rights struggle, African Americans refused to obey a law that allowed them to sit only at the rear of buses. In the fight to stop abortions, many pro-lifers also engage in nonviolent action by blocking the entrances to abortion clinics to prevent the death of babies.

CRI, P.O. Box 8500, Charlotte, NC 28271
Phone (704) 887-8200 and Fax (704) 887-8299

There is another important distinction related to civil disobedience. One may disobey a law *directly* or *indirectly*. When civil disobedience is direct, there is typically a law which, if obeyed, would require one to do something immoral. Imagine a law that required one to commit adultery with a neighbor's wife. Direct civil disobedience would require that one disobey this law by refusing to become sexually involved with the neighbor's wife.

Whereas *direct* civil disobedience involves the breaking of a law when it compels *me* to sin or do evil, *indirect* civil disobedience occurs when the law allows *someone else* to sin, and *we* break a law or some laws to protest what they are doing. To protest a law's permission of others to do what is immoral, we must break other laws that are only indirectly related to this law in an effort to prevent others from exercising their legal right. In the case of abortion, this means the breaking of trespassing laws and laws that govern private property. *Good* laws must be broken to protest *bad* or immoral laws in indirect civil disobedience.

A DEFENSE OF THE NEGATIVE VIEW

Civil disobedience is not always wrong. It's difficult to see, however, where Scripture or reason permits individuals to disobey immoral laws *by violent acts*. The use of the sword is placed in the hands of civil government, not individuals. Therefore, the murder of doctors or support staff at abortion clinics is morally wrong. Nor is it helpful to attempt to soften the immorality of such acts by pointing out the immorality of abortion. Those who destroy innocent life in the womb *and* those who take justice into their own hands through violence are *both wrong*.

On the other hand, nonviolent civil disobedience is sometimes justified. God does not require blind obedience to our governments. In fact, when government requires that I do something evil or immoral, I am obligated to disobey that law.

Many such examples appear in the Bible. The midwives disobeyed Pharaoh's order to kill all the Hebrew baby boys (Exod. 1:15-22). Rahab lied to protect the Jewish spies who reconnoitered Canaan (Josh. 2:1-14). Daniel's three friends disobeyed Nebuchadnezzar's command that everyone should fall down and worship a pagan image on the plain of Dura (Dan. 3:1-18). Peter and John refused to cease preaching the gospel, saying it is better to obey God than man (Acts 5:29). Each case involved nonviolent direct civil disobedience.

Therefore, I think one would be justified in disobeying any law that required one to have an abortion. Repeatedly there are reports from the People's Republic of China that families are allowed only one child. If a woman gets pregnant again, the government demands that the fetus be aborted. In this case I think the woman would be justified in disobeying the law since it demands that she do something sinful.

By contrast, I do not think the conditions that justify civil disobedience are present in North America at this time. No law requires one to have an abortion. Laws only permit those who desire to have an abortion to do so. Since these laws permit others to do something that is immoral and wrong, the only nonviolent act of civil disobedience one can perform requires the breaking of good laws to protest laws that are immoral. For instance, one could block entrances to abortion clinics. Or one might try to change a woman's mind about having an abortion by shouting arguments at her or even calling her names — actions she most likely would consider to be harassment. In my opinion, then, the *only* act of civil disobedience one can perform against the law as presently constituted in North America is to *indirectly* disobey it, and I see no justification for that.

Before I turn to the justification for my view, let me guard it from some common misconceptions. My position in no way entails the belief that laws that permit others to do immoral acts are right or moral. Laws that are wrong and immoral should be repealed as quickly as possible. Nor do I excuse the guilt of those who act on such laws. They have sinned in the exercise of their freedom, and they are guilty before God.

CRI, P.O. Box 8500, Charlotte, NC 28271
Phone (704) 887-8200 and Fax (704) 887-8299

Furthermore, my view does not release me from the obligation to protest the evil that is occurring. In fact, my obligation is to protest *within the limits of the law*. In democracies like those in North America, possible courses of action are many and varied. For instance, we can write about and speak out against abortion. We can support pro-life candidates. God may even call some of us to run for public office to address this ill. Crisis pregnancy agencies are another way we can protest the sin of abortion. I do not praise quiescence and passivity to evil.

The reasons for holding that civil disobedience is not always wrong, but that it is not justified at present in North America, are as follows:

(1) Christians are called to obey civil authority. Though believers in New Testament times lived under pagan civil rules, they were commanded to obey their civil magistrates. Jesus told His disciples that they were to render to Caesar the things that were Caesar's (Matt. 22:21). They were even to pay their taxes — taxes that were most certainly used in ways not in keeping with Christian morality (Rom. 13:7). Paul said Christians are to submit to their rulers (Titus 3:1). Peter concurred when he wrote that we are to submit to *every* authority instituted among men (1 Pet. 2:13). This includes both the king and lesser officials (1 Pet. 2:17).

Again, however, the Bible does not require blind obedience to the government. When the government demands that we do what is expressly prohibited in Scripture, we must follow God rather than man. We are *then* obligated to directly disobey that command. However, it is difficult for me to see how Christians follow the commands of Scripture when they disobey good laws because they do not like *other* laws that are immoral but that do not obligate them to do evil.

(2) The cases of civil disobedience presented approvingly in the Bible always involved nonviolent direct civil disobedience. In each example a demand is made on individuals that requires *their* disobedience to God. They disobey *that* demand. In no case is there an example of indirect civil disobedience; nowhere is there anything that warrants protest against moral evils that includes the breaking of good laws.

(3) God has not given individuals the duty or right to prevent others from doing what is wrong or immoral. God has given civil governments the duty of establishing a just and moral society. But even that has limits. While God has created a universe that is governed by moral absolutes, He has granted His creatures the freedom and ability to disobey Him (e.g., murder, lying, adultery), even though He could have prevented those sins.

Civil authorities are established to circumscribe evil. Even when the laws are moral and just, they do not always succeed. People break the law. It is surely more serious when the government is party to the evil committed, but government is ultimately accountable to God. Let us not forget that He will set things in order in the end. Nowhere, however, is there a duty imposed on individuals to protest the evils of the civil authority that includes the breaking of good laws. Therefore, I do not see that civil disobedience is even permissible to prevent others from having abortions.

(4) Even if it were morally permissible, civil disobedience is prudentially inadvisable. That is, whether we grant that one may or may not protest liberal abortion laws by breaking good laws, it is simply not wise to do so. The two most commonly heard prudential arguments are that civil disobedience saves the lives of unborn babies and that in the long run it will bring about the pro-lifers' goals. Let us examine these arguments.

Does civil disobedience really save lives? Whatever may happen in the long run, so it is argued, it will help the baby that is scheduled for abortion *today*. To shut down a clinic today saves the lives of any babies that were to be aborted at that clinic today. Moreover, abortion rates go down in that area for a reasonable period of time.

CRI, P.O. Box 8500, Charlotte, NC 28271
Phone (704) 887-8200 and Fax (704) 887-8299

Arguments of this sort are difficult to evaluate. It is true that no babies are aborted at a closed clinic. However, is there really a decline in abortions? Could it be that women simply go to an area where there is no protest and have an abortion? How can one be sure that the reason a woman decides against an abortion is the closing of a clinic? More to the point, how can we be sure that some women who are initially neutral on abortion do not become so upset by the actions of pro-lifers that at some point they either have an abortion themselves or come to support access to it for others? It must be remembered that we are not simply trying to save the life of a baby, we are trying to convince and, in some cases, change the ideas some people have about abortion.

Will civil disobedience bring about pro-life goals? Some argue that it will bring the issue of abortion to the attention of the public, and the arrest of protesters will force the courts to deal with the issue. All of this, it is argued, will result in the limiting or elimination of abortion. There is no question that civil disobedience will bring the matter of abortion to the public's attention. It is not clear, however, that it will result in the pro-lifers' desired end. Will those who fall in the middle of this debate — those who are undecided on the matter — be moved to the pro-life side by their perception of such tactics? Or will it result in the reinforcement of negative stereotypes of the pro-life movement?

Furthermore, I am concerned about a number of other consequences of those who practice civil disobedience. Will it create a climate where those who are at the fringes of the pro-life movement feel justified in taking violent action, like bombing clinics and killing doctors? And as more and more pro-lifers are arrested, how will the overload on the court system be handled? Our court and prison systems are *already* overloaded. To aggravate that problem is a serious matter. There is definitely the possibility that those guilty of more serious crimes and who constitute a more imminent danger to society will have to be released.

Finally, does the breaking of good laws foster disrespect for the rule of law and ultimately raise the specter of anarchy? One cannot say with certainty, but it does raise this troubling prospect.

BECKWITH'S REBUTTAL TO FEINBERG

I agree with much of what my friend Paul Feinberg has said. I believe he is correct in saying that (1) biblically, civil disobedience is justified in some circumstances and not in others; (2) the Christian has an obligation to obey the laws of the state except when those laws require that one directly violate biblical norms; and (3) even if nonviolent civil disobedience is morally permissible, one must question whether the activity is prudent.

I believe, however, that we have two points of contention: (1) Feinberg stresses abortion as a sin performed by the mother, whereas I stress abortion as an evil against her unborn child; and (2) Feinberg seems to be arguing that one may violate only evil laws, whereas I believe it is permissible to violate a "good" law (trespassing law) if used in an evil way.

THE UNBORN CHILD AS A VICTIM

The first contention is evident in Feinberg's claim that "one would be justified in disobeying any law that required one to have an abortion..." but "no law requires one to have an abortion. Laws only permit those who desire to have an abortion to do so." Therefore, "the only nonviolent act of civil disobedience one can perform...is to *indirectly* disobey them, and I see no justification for that."

The pro-life objection to abortion, however, is not that it is merely an immoral act performed by a moral agent (the pregnant woman), but rather, it is an act of unjustified homicide against an innocent, vulnerable, and defenseless human person by means of crushing, dismembering, suffocating, and/or burning. Consequently, it is wrong to characterize pro-life civil disobedience as merely trying to prevent a fellow citizen from performing an immoral act.

CRI, P.O. Box 8500, Charlotte, NC 28271
Phone (704) 887-8200 and Fax (704) 887-8299

Indeed, it is an attempt to rescue innocent human persons from a brutal and morally unjustified execution. Feinberg's stress on the mother's sin rather than on the victimization of her unborn child skews the nature of pro-life civil disobedience.

VIOLATING GOOD LAWS

Feinberg also argues that the Christian is permitted to break only laws that directly require one to violate a biblical norm. Laws that do not directly require the Christian to do evil should not be violated. I believe this argument is flawed.

First, Jesus commanded us to "love your neighbor as yourself" (Luke 10:27b). The government, however, by forbidding Christians to save the lives of the unborn, is telling them not to love their neighbor as themselves. Doesn't this law violate a command of God?

Suppose Feinberg replies, "The government is merely forbidding pro-lifers from disobeying trespassing laws. It is not telling them not to love their neighbor." But isn't this more insidious than a law that forbids them from loving the unborn by saving their lives? Trespassing laws are being used to force Christians to disobey a command of God, just as perjury laws were used in Nazi Germany to force those who hid Jews from certain death to tell the truth under oath as to the Jews' whereabouts. Based on Feinberg's position, one could characterize the situation in Nazi Germany this way: "The government was just forbidding its citizens to disobey good perjury laws but not directly forbidding them to rescue Jews." Consequently, according to this reasoning, those who rescued Jews from the Holocaust were wrong, since the state was not compelling most of them to directly kill a Jew.

Second, how is one to evaluate whether a law is good or bad? Is it how the statute is written and intended by a legislator? Or is it how the statute is applied in practice by law enforcement, the courts, and the executive branch? It seems that Feinberg thinks it is the legislative branch's written text and not its application that is the arbiter in morally evaluating a law. But he has provided no reason to believe *why* that is the case.

Even though Feinberg and I disagree over the issue of when civil disobedience is justified, what we hold in common is far more important: abortion ought to be illegal since it is unjustified homicide. I applaud Feinberg's important work in this area.

Francis J. Beckwith, Ph.D., is Lecturer of Philosophy at the University of Nevada, Las Vegas, as well as Professor at Large, Simon Greenleaf University (Anaheim, CA) and Senior Research Fellow, Nevada Policy Research Institute. His books include *Politically Correct Death: Answering the Arguments for Abortion Rights* (Baker, 1993), *Matters of Life and Death: Calm Answers to Tough Questions about Abortion and Euthanasia* (Baker, 1991), and *The Abortion Controversy: A Reader* (Jones & Bartlett, 1994).

FEINBERG'S REBUTTAL TO BECKWITH

The discussion between Beckwith and myself demonstrates that a variety of positions may be taken on the question of abortion and civil disobedience. Actually, though, our views are quite close in several respects. For instance, we agree that civil disobedience is not *always* wrong for the Christian; we agree that pro-lifers have *no* obligation to commit acts of civil disobedience; and we agree that such acts are most likely imprudent in the struggle to save lives today.

There is, however, an important point of disagreement between us. It is over the question of whether pro-lifers have a right to commit acts of nonviolent civil disobedience to prevent others from having abortions. Beckwith thinks they do; I disagree. In this short reply, I will focus on the two arguments Beckwith offers for his view.

CRI, P.O. Box 8500, Charlotte, NC 28271
Phone (704) 887-8200 and Fax (704) 887-8299

The first argument is drawn from biblical examples of civil disobedience that are presented with divine approval (Exod. 1:15-22; 5; Josh. 2:1-14; 1 Kings 18:3-15; Dan. 3, 6; Acts 4; Rev. 12 – 13). In my judgment, however, none of these cases parallel what pro-lifers are doing today. The biblical examples involve *direct* civil disobedience. That is, believers are commanded by their government to do something that disobeys God, and they refuse to comply. None of these cases involve *indirect* civil disobedience. Nowhere is there an example of believers breaking good laws to prevent others from doing wrongs permitted by their government. Thus, I think this argument fails to prove its intended point.

Beckwith's second argument at first seems to offer more promise, but in the end it is equally flawed. He defends the right to civil disobedience based on what might be called the Good Samaritan principle, which requires that I love my neighbor as myself. The unborn is my neighbor. To love him or her I must try to save that life. Since the state is preventing me from following God's command, I am justified in breaking the law so I may love my neighbor.

This argument fails in the end for these reasons:

- (1) While this argument tries to avoid the *direct/indirect* distinction with respect to civil disobedience, it does not. Disobedience is not directed against any law that requires me to do anything. It is against good laws to protest laws that permit others to do what is wrong.
- (2) Love for one's neighbor is a very general command. To be followed, specific actions must be performed. Beckwith assumes that breaking good laws to protest bad ones is a specific action that falls under this general command. This argument, however, will not convince anyone who does not agree with this assumption. Moreover, this argument focuses quite narrowly on the unborn child who is about to be aborted. It does not take into account that such acts *may* lead to an increased disregard for the law or even anarchy. It does not take into account that such actions *may* lead to overcrowding in our prisons and the early release of a dangerous criminal who may murder my neighbor. Therefore, in determining what constitutes loving one's neighbor, *we cannot just attend to the unborn*. We must take into account a broader group of people.
- (3) The *general* command to love one's neighbor is used to disobey the *specific* command that we are to obey and submit to civil authority. As I have said, I do not think this requires uncritical or complete obedience. However, neither do I think it authorizes actions that require the breaking of good laws so one can protest or prevent others from exercising a right that their government gives them and that is immoral.
- (4) I do not think my view prevents me from praising those who hid Jews during the Holocaust. Beckwith's claim ignores the *direct/indirect* distinction with regard to civil disobedience. The Nazi government demanded that individuals turn in Jews for deportation and probably death. They disobeyed that demand. Their disobedience was *direct*. But would we think it morally praiseworthy for someone who wanted to protect the Jews to break into the houses of informers and detain them so they could not aid the government?

Let me close by reiterating two points. First, I do not believe abortion is morally right. *It is a terrible wrong*. But it must be fought in a morally justifiable way. Second, I am not saying we have no obligation to oppose abortion. I have simply argued that our opposition must be *within* the law.

Paul Feinberg, Th.D., is Professor of Biblical and Systematic Theology at Trinity Evangelical Divinity School. He is co-author of *Ethics for a Brave New World* (Crossway Books, 1993, with John S. Feinberg) and *Introduction to Philosophy* (with Norman Geisler).

CRI, P.O. Box 8500, Charlotte, NC 28271
Phone (704) 887-8200 and Fax (704) 887-8299

NOTES

¹See Randy Alcorn, *Is Rescuing Right?* (Downers Grove, IL: InterVarsity Press, 1990); John Feinberg and Paul Feinberg, *Ethics in a Brave New World* (Wheaton, IL: Crossway Books, 1993), 91-98; Martin Luther King, Jr., "Letter from the Birmingham Jail," *The Right Thing to Do: Basic Readings in Moral Philosophy*, ed. James Rachels (New York: Random House, 1989), 236-53; Randall Terry, *Operation Rescue* (Springdale, PA: Whitaker, 1988); Ernest Van Den Haag, "The Dilemma of Civil Disobedience," *Philosophy: The Quest for Truth*, ed. Louis P. Pojman (Belmont, CA: Wadsworth, 1989), 433-42; and John Rawls, "The Justification of Civil Disobedience," *The Right Thing to Do*, 254-70.

²King.

³They are called *supererogatory acts* — acts in which one has a right to engage but not an obligation since they involve great personal risk. For more on this subject, see Hadley Arkes, *First Things: An Inquiry into the First Principles of Morals and Justice* (Princeton, NJ: Princeton University Press, 1986), 288-308.

⁴Terry, 99-111.

⁵Norman L. Geisler, *Christian Ethics: Options and Issues* (Grand Rapids: Baker Book House, 1989), 239-56; and Feinberg and Feinberg, 91-98.

⁶For an excellent overview of the biblical passages, see Alcorn, 4-56.

⁷*Ibid.*, 42.

⁸Some of the strongest objections to pro-life civil disobedience can be found in Geisler, 239-56; and Feinberg and Feinberg, 91-98.

⁹See the recent symposium on this issue: "Killing Abortionists: A Symposium," *First Things: A Monthly Journal of Religion and Public Life* (December 1994): 24-31.

¹⁰John and Paul Feinberg do an excellent job of weighing these prudential considerations in *Ethics in a Brave New World*, 97-98.