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# WHEN THE STATE IS EVIL: BIBLICAL CIVIL (DIS)OBEDIENCE IN SOUTH AFRICA

JOEL A. NICHOLS<sup>†</sup> AND JAMES W. MCCARTY III<sup>‡</sup>

*Everyone must submit himself to the governing authorities, for there is no authority except that which God has established. The authorities that exist have been established by God. Consequently, he who rebels against the authority is rebelling against what God has instituted, and those who do so will bring judgment on themselves.*

Romans 13:1–2<sup>1</sup>

*We must obey God rather than men!*

Acts 5:29

## INTRODUCTION

“[T]he Bible is the most revolutionary, the most radical book there is. If a book had to be banned by those who rule unjustly and as tyrants, then it ought to have been the Bible. Whites brought us the Bible and we are taking it seriously.”<sup>2</sup> South African Anglican Archbishop Desmond Mpilo Tutu wrote these words in 1982 as he railed against the apartheid regime in South Africa. It is striking that Archbishop Tutu’s statement—spoken from one attempting to be faithful to the biblical text—was presented *against* the ruling apartheid regime, which was

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<sup>1</sup> All Scripture references in this Article are to the New International Version.

<sup>2</sup> DESMOND MPILO TUTU, *HOPE AND SUFFERING: SERMONS AND SPEECHES* 178 (John Webster ed., 1984).

simultaneously offering its own biblical, theological justifications *in favor of* continued separation of the races and bolstering of legally-imposed inequities in South Africa.<sup>3</sup>

Such a struggle of how Christians should respond to an oppressive government regime is not unique to South Africa, of course. Throughout history, Christians have had to decide how to live under a civil state that either was less than ideal or, at times, was downright evil. The past two centuries alone are replete with ready examples: American abolitionists had to determine the shape of their anti-slavery stance, with some even deciding to violate anti-immigration laws and participate in “the underground railroad”;<sup>4</sup> Christians living in the American South in the 1960s had to decide whether nonviolently breaking Jim Crow laws was consistent with their Christian faith;<sup>5</sup> the mothers of “disappeared” children in Argentina’s “Dirty War” decided to break the law by demonstrating on a weekly basis in the Plaza de Mayo;<sup>6</sup> Christians worshiping in unregistered churches—including the very large number of “house churches”—in China must continually decide if they should actively worship and evangelize or comply with government regulations prohibiting their very existence.<sup>7</sup> And these examples do not

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<sup>3</sup> See *infra* Part II.A.

<sup>4</sup> Edward McGlynn Gaffney, Jr., *Politics Without Brackets on Religious Convictions: Michael Perry and Bruce Ackerman on Neutrality*, 64 TUL. L. REV. 1143, 1160 (1990) (“Freed ex-slaves such as Harriet Tubman and religious leaders such as the Quaker Thomas Garrett were prominent among the ‘conductors’ of the underground railroad, and ‘churches established by blacks with abolitionist sentiments generally served as stations on the underground railroad.’”) (citations omitted).

<sup>5</sup> DAVID L. CHAPPELL, A STONE OF HOPE: PROPHEPIC RELIGION AND THE DEATH OF JIM CROW 3 (2004) (“The black movement’s nonviolent soldiers were driven not by modern liberal faith in human reason, but by older, seemingly more durable prejudices and superstitions that were rooted in Christian and Jewish myth.”).

<sup>6</sup> ENCYCLOPEDIA BRITANNICA, *Dirty War*, <http://www.britannica.com/EBchecked/topic/165129/Dirty-War?anchor=ref1101244> (last visited Oct. 19, 2011) (“The Mothers of the Plaza de Mayo, an association of women who had lost children and grandchildren to the Dirty War, began calling international attention to the plight of the *desaparecidos* (‘disappeared persons’) through weekly Thursday afternoon vigils in the Plaza de Mayo, fronting the presidential palace.”); see also JO FISHER, MOTHERS OF THE DISAPPEARED 9 (1999).

<sup>7</sup> *People’s Republic of China*, in, U.S. COMM’N ON INT’L RELIGIOUS FREEDOM, ANNUAL REPORT 2009, at 73, 77–78 (2009), available at <http://www.uscirf.gov/images/AR2009/china.pdf> (documenting the government’s efforts to restrict the activity, control the leadership, and stunt the growth of both registered and unregistered churches).

even include the most infamous “evil state” situation of the twentieth century—Nazi Germany.<sup>8</sup> With the ascension of Adolf Hitler and the Third Reich to power and ultimate state control in Germany, some Christians—famously including Karl Barth, Dietrich Bonhoeffer, and the Confessing Church movement—spoke out against the expansion and abuse of state power, while others capitulated or supported the regime, and even others felt helpless and caught in the middle.<sup>9</sup>

While there have been a range of particular responses by Christians to untoward demands by civil authorities, Christians have, in broad terms, alternated between submission and resistance to the civil authorities.<sup>10</sup> The form of resistance may, in turn, be passively nonpolitical, nonviolently political, or more traditionally revolutionary.<sup>11</sup> These two strands of Christian response (submission or resistance) mirror the possible responses of non-Christians toward bad or evil regimes, and thus seem unoriginal at first blush. But since Christians seek to be guided by their faith, the response of a Christian citizen to a state’s demand is not merely a personal, moral choice, but a decision laden with theological importance. When faced with difficult situations in life, Christians especially look to the Bible, as a normative text, for guidance; this may often lead to asking how the early Christians and early Christian church responded to difficult situations. Christianity began in the Roman Empire—a time shaped by conquest, conflict, and the exercise of singular power over the entire Mediterranean region by a state that claimed to possess totalitarian prerogatives. It thus has seemed to be a prime starting point for modern Christians seeking to understand how to relate to the civil/political state. This includes the vexing question of how one should respond to an evil

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<sup>8</sup> See generally ARTHUR C. COCHRANE, *THE CHURCH’S CONFESSION UNDER HITLER* (1962).

<sup>9</sup> See, e.g., *id.*; CHARLES VILLA-VICENCIO, *BETWEEN CHRIST AND CAESAR: CLASSIC AND CONTEMPORARY TEXTS ON CHURCH AND STATE* 89–99 (1986) [hereinafter *BETWEEN CHRIST AND CAESAR*] (describing “The Church and the Third Reich”). See generally *Karl Barth (1886–1968)* (George Hunsinger ed.), in *2 THE TEACHINGS OF MODERN CHRISTIANITY ON LAW, POLITICS, AND HUMAN NATURE* 280–306 (John Witte, Jr. & Frank S. Alexander eds., 2006) [hereinafter *THE TEACHINGS OF MODERN CHRISTIANITY*] (reprinting select writings by Barth); *Dietrich Bonhoeffer (1906–1945)* (Milner Ball ed.), in *THE TEACHINGS OF MODERN CHRISTIANITY, supra*, at 307–42 (reprinting select writings by Bonhoeffer).

<sup>10</sup> See *infra* Part I.B.

<sup>11</sup> See *infra* Part I.B.

state, for surely the governing authorities in the first century—whether Romans or local officials, including Jewish leaders operating with delegated authority from Rome—made demands on the earliest Christians that were out of bounds. The most reliable evidence of how those first-century Christians responded lies in the New Testament text, and specifically in the books of Acts–Jude.<sup>12</sup> Consequently, an exploration of these books is of seminal importance in detailing how a Christian should respond when the state is evil.<sup>13</sup>

A close reading of the New Testament, though, reveals that there is not one uniform answer to this question. The New Testament does not prescribe *one* appropriate stance for Christians to take against the civil authorities. Rather, there appear to be alternate (or perhaps various) stances that are permitted, depending on the exigencies of the time and the various circumstances. To explore this thesis, Part I explores biblical texts in Acts–Jude that speak to the relationship between Christians and the civil government, with a particular focus upon Acts 5:28 and Romans 13:1–7. Part II, which is the heart of the Article, provides a modern case study of the use of the two competing biblical themes of submission versus resistance; the South African apartheid regime, and resistance to the same, provide the backdrop. Finally, in the Conclusion we offer some reflections on what modern Christians might learn from the biblical texts and the South African experience.

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<sup>12</sup> See generally *Acts–Jude* (New International).

<sup>13</sup> We here join the common legal academic convention of pointing out the limited scope of this Article. We have not only fallen far short of exhausting the biblical text, but also given short shrift to the long church history and ideological history of how religion and the state should interact. Our rationale for an inexhaustive paper owes not merely to space limitations (although that is true) but more directly derives from our limited charge in undertaking this project: This Article is a variation of a paper we are drafting for a project on “The Bible and the Law,” wherein we were asked to evaluate the New Testament books of Acts through Jude and assess what those books reveal about the proper relationship between Christians and the positive law. The conceptual constraint of (largely) excluding Revelation and the four Gospels has carried over to this Article—and we are particularly regretful to leave out a full discussion of Revelation 13, where the state is portrayed as an evil beast and Christians must respond. This topic is discussed, in brief, *infra* Part II.D. The broader project on “The Bible and the Law” will result in an edited volume in which a variation of this Article will appear. See Joel A. Nichols & James W. McCarty III, *The Early Church and the Law*, in *THE BIBLE AND THE LAW* (Robert F. Cochran & David van Drunen eds., forthcoming 2013).

## I. THE BIBLE, THE EARLY CHURCH, AND CIVIL AUTHORITIES

While tradition, revelation, and experience all play key roles in how faith informs decision making, the biblical text itself is at the core—or very close to it—of any Christian’s construction of theology. The question of how a Christian should interact with civil authorities is addressed in several places in the New Testament, although it does so in varying ways.<sup>14</sup> Sometimes the text counsels Christians to submit to God-ordained authorities, and at other times the text provides models of resistance to apparently lawful civil commands.<sup>15</sup> An exploration of the New Testament books of Acts–Jude highlights these competing scriptural strands.

### A. *Text as Normative*

The books of Acts–Jude are highly relevant for two reasons. The first is historical, for these books provide the most reliable extant evidence of the life of the early church in the mid- to late-first-century C.E. As such, they are highly relevant if one wants to evaluate analogically how the first-century church responded to civil authorities as a model for a modern response. The second reason is ideological: These books are important as a matter of faith because Christians have decided they are normative.<sup>16</sup> This is to say that the New Testament text is, in some sense, binding on modern Christians precisely because they believe it to be so. While such belief is often expressed as an individual response to Scripture, it is also based strongly in the Christian *community’s* determination that these books hold sway for decision making in everyday affairs. In this way, the New Testament books are canon because they are used that way by the church, and because they have been used as canon by the church for many years.<sup>17</sup>

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<sup>14</sup> See *infra* Part I.B.

<sup>15</sup> See *infra* Part I.A.

<sup>16</sup> For a nuanced account of the way that scriptural authority functions in Christian communities, and how this authority is the result of a conscious decision made by Christian communities through the ages, see LUKE TIMOTHY JOHNSON, *SCRIPTURE & DISCERNMENT: DECISION MAKING IN THE CHURCH* 35–36 (1996).

<sup>17</sup> See LUKE TIMOTHY JOHNSON, *THE WRITINGS OF THE NEW TESTAMENT: AN INTERPRETATION* 537–38 (3d ed. 2010).

The books of the New Testament were not originally assembled or even necessarily intended by their authors to be read collectively.<sup>18</sup> Rather, the books were generally stand-alone writings. Most of the books in Acts–Jude are letters to individual churches. It is quite possible that some of the letters have been redacted over time, and that pieces of multiple prior letters have been compiled into one. Some letters have no claim of authorship,<sup>19</sup> others seem very reliably from the apostle Paul,<sup>20</sup> and still others have claims of apostolic authorship that is often debated in modern academic circles.<sup>21</sup> The book of Acts is of a different genre than many other books in this grouping because it was originally written as the second, or companion, volume to the gospel of Luke. Acts thus operates to tell a history of salvation and the spread of the earliest church, rather than to convey a particular message to a particular church in letter form; scholars often refer to Luke and Acts together as Luke-Acts.<sup>22</sup>

The New Testament books were all written in the first century, although their exact dating and provenance (like their authorship) is often unknown. The earliest of the letters were likely written about 50 C.E., or some twenty years after the time of Jesus, and the latest books are sometimes dated near 100 C.E.<sup>23</sup> The book of Acts is generally thought to have been written sometime after 70 C.E. because of internal references to

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<sup>18</sup> For a general introduction to the history of the New Testament and approaches to its study, see BRUCE M. METZGER, *THE NEW TESTAMENT: ITS BACKGROUND, GROWTH, AND CONTENT* (3d ed. 2003) (classic introductory text); BRUCE M. METZGER & BART D. EHRMAN, *THE TEXT OF THE NEW TESTAMENT: ITS TRANSMISSION, CORRUPTION, AND RESTORATION* (4th ed. 2005) (classic textual analysis). For two more recent, theological introductions, see generally CARL R. HOLLADAY, *A CRITICAL INTRODUCTION TO THE NEW TESTAMENT: INTERPRETING THE MESSAGE AND MEANING OF JESUS CHRIST* (2005); JOHNSON, *supra* note 17. For a historical introduction from a non-Christian see BART D. EHRMAN, *THE NEW TESTAMENT: A HISTORICAL INTRODUCTION TO THE EARLY CHRISTIAN WRITINGS* (5th ed. 2012).

<sup>19</sup> See, e.g., *Hebrews* 1:1–13:25 (New International).

<sup>20</sup> See, e.g., *Philippians* 1:1.

<sup>21</sup> See, e.g., 1 *Timothy* 1:1; 2 *Timothy* 1:1 (attributing the Pastoral letters of 1 and 2 Timothy to Paul).

<sup>22</sup> See, e.g., JOHNSON, *supra* note 17, at 187 (“Luke–Acts is a conventional abbreviation for the Gospel of Luke and the Acts of the Apostles. The hyphenated title calls attention to the conviction that the two documents . . . are two volumes of a single literary project.”).

<sup>23</sup> See, e.g., HOLLADAY, *supra* note 18, at 278, 543 (proposing that 1 Thessalonians was written between 50–51 C.E., 2 Thessalonians several years later, and a date “in the mid-90s” C.E. for Revelation).

historical events.<sup>24</sup> It was not until early in the second century that the books, or some grouping of them, began to be used widely in Christian communities beyond their original audiences, even though it is widely assumed that letters written to a church in one location would be circulated to other churches as well.<sup>25</sup> The apostle Paul is credited with authorship of the majority of the New Testament books (including Romans, Philippians, and others); but the apostle John (or a “Johannine community”) is credited with 1, 2, and 3 John, Luke (by history and legend a doctor who was a sometime companion of Paul) wrote Acts, and there were others as well.<sup>26</sup> The main purpose of the books, generally, was to testify to the Christian faith, but some of the books more specifically addressed particular situations, such as encouraging believers to live in certain ways, teaching believers about proper doctrine, and correcting problems in churches. None of the authors intentionally wrote a discursus on the proper relationship of Christians to the civil state, although that notion is briefly mentioned in several passages in the books.

### *B. Christians and the Civil State in the New Testament*

The New Testament text presents alternating pictures of the church and its relationship to both culture and government. One portrait shows the first-century church operating as an enclave to itself while sharing all things in common.<sup>27</sup> Another portrait shows the church apparently functioning quite in harmony with

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<sup>24</sup> *Id.* at 228 (asserting a date of about 60–100 C.E. or “some fifty to seventy-five years after the death of Jesus”); JOHNSON, *supra* note 17, at 189 (dating the book “sometime in the latter part of the first century”).

<sup>25</sup> *See, e.g.*, JOHNSON, *supra* note 17, at 527–28.

<sup>26</sup> *See, e.g.*, HOLLADAY, *supra* note 18, at 158 (describing the tradition of Luke as a physician); JOHNSON, *supra* note 17, at viii (listing “Pauline Traditions,” “Other Canonical Witnesses,” and “The Johannine Traditions”).

<sup>27</sup> *See, e.g.*, Acts 2:42–47 (New International) (discussing believers selling possessions and giving to those in need). While not discussed in the text, many scholars believe that the Johannine community—1, 2, and 3 John in the Acts–Jude segment—developed historically in a somewhat different vein than communities mentioned in the Pauline letters. One thought has been that these Johannine communities operated in ways that were responsive to the civil state, perhaps, but certainly not overtly supportive. Instead, the communities may have been much more insular, as the letters from John speak of the need to continue to love each other and practice that love—including in very tangible ways, like showing hospitality to visitors—but also contain warnings not to associate with false teachers and others outside the community that might lead believers astray. *See, e.g.*, JOHNSON, *supra* note 17, at 462–63.

the existing social structure and reigning authorities.<sup>28</sup> And another picture is that of the believers resisting demands of the culture, authorities, and state.<sup>29</sup> While there is insufficient space here to explore these variations in depth, two strong themes—resistance to civil authorities and submission to civil authorities—become evident through even brief readings of Acts–Jude.<sup>30</sup>

The book of Acts provides the clearest description of the actions of some early Christians as the gospel began to spread throughout the Roman Empire. The quintessential text of *disobedience and resistance* to ruling authorities is Acts 5:27–30:

Having brought the apostles, [the captain and his officers] made them appear before the Sanhedrin to be questioned by the high priest. "We gave you strict orders not to teach in this name," he said. "Yet you have filled Jerusalem with your teaching and are determined to make us guilty of this man's blood." Peter and the other apostles replied: "We must obey God rather than men! The God of our fathers raised Jesus from the dead—whom you had killed by hanging him on a tree."<sup>31</sup>

In this passage, Peter and the other apostles have been commanded by the Sanhedrin—the governing Jewish religious body with apparent authority to make such a statement—to cease preaching about Jesus. Following such a command would cut against the heart of the most important aspect of the Christian faith, in their view, for it would undercut the very good news (or gospel) itself. Luke-Acts is thematically concerned with the spread of the good news from Jerusalem to Samaria "to the ends of the earth."<sup>32</sup> A command by a ruling authority cannot stand in the way of this movement of God and should not stand in the way of the actions of God's followers in carrying out God's message of salvation. Peter and the apostles thus reject the admonition of the religious leaders to keep quiet; they choose to follow God's commands instead.

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<sup>28</sup> See, e.g., *Ephesians* 5:22–33 (discussing the relationship between husbands and wives); *id.* at 6:5–9 (discussing the relationship between slaves and masters).

<sup>29</sup> See, e.g., *Acts* 4:18–20 (discussing apostles disobeying demands to stop preaching).

<sup>30</sup> For a slightly expanded catalog of such passages, see generally O. Palmer Robertson, *Reflections on New Testament Testimony Concerning Civil Disobedience*, 33 J. EVANGELICAL THEOLOGICAL SOC'Y 331 (1990).

<sup>31</sup> *Acts* 5:27–30.

<sup>32</sup> *Id.* at 1:8.

A similar exchange occurs just one chapter earlier in Acts, when Peter and John are called before the Sanhedrin and commanded not to speak. In that instance, they reply, "But Peter and John replied, 'Which is right in God's eyes: to listen to you, or to him? You be the judges! As for us, we cannot help speaking about what we have seen and heard.'"<sup>33</sup> While these passages are not directed toward violent versus nonviolent resistance—and instead speak only to what authority governs—they do lend credence to the notion that Christians are to give God's commands preeminence. When the authorities command silence but God commands the sharing of the good news of Jesus, Christians must follow God's command. It is a short step to look to the heart of what Jesus is doing in Luke-Acts and also decide that Christians must follow God's command to do the same. In Luke-Acts, Jesus has come to begin the good news of God on earth—not just in proclaiming the good news, but enabling sight for the blind, freedom for the prisoners, release of the oppressed, and a return to Jubilee principles.<sup>34</sup> When a government actively works against the equality of people, the lifting up of the poor, and the freedom for the oppressed, then the government is working against the core theological principles of God's coming kingdom and—by extrapolation of the Acts passages—the government is to be disobeyed.<sup>35</sup>

The next book in the New Testament is Paul's letter to the Romans. Therein, Paul covers a great many topics—many doctrinal, some pastoral, and some practical.<sup>36</sup> Near the end of

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<sup>33</sup> *Id.* at 4:19–20 (internal quotation marks omitted).

<sup>34</sup> *Luke* 4:18–19 (referring to *Isaiah* 61:1–2).

<sup>35</sup> Acts also contains instances of Paul using the civil law to his benefit by appealing to his rights as a Roman citizen when it is beneficial to him. See *Acts* 16:34–39, 22:25, 25:10–11. This usage does not necessarily conflict with the earlier reading from Acts, for Paul's appeal to Rome is the very thing that aids in getting Paul himself to Rome and, consequently, furthering the spread of the gospel "to the ends of the earth." *Id.* at 1:8.

<sup>36</sup> The first two chapters of Romans contain a long discussion about "the law" and "faith." *Romans* 1–2. But this reference to "the law" does not seem to connect to the civil law per se, but rather more to a natural law or moral law concept wherein humans know what is right and wrong by their consciences. When humans contravene that conscience—perhaps irrespective of whether the civil law allows the action or not—then they are "convicted" by their moral conscience and know that they have done wrong. Paul uses this discussion of the "law" as a means to convey to the readers both that it is impossible to follow the law in its entirety and that faith—not obedience to law—is what saves. See generally JOSEPH A. FITZMYER, *ROMANS: A NEW TRANSLATION WITH INTRODUCTION AND COMMENTARY* (1993).

the book comes the longest passage in the New Testament about the civil state; it counsels *submission* to ruling authorities:

Everyone must submit himself to the governing authorities, for there is no authority except that which God has established. The authorities that exist have been established by God. Consequently, he who rebels against the authority is rebelling against what God has instituted, and those who do so will bring judgment on themselves. For rulers hold no terror for those who do right, but for those who do wrong. Do you want to be free from fear of the one in authority? Then do what is right and he will commend you. For he is God's servant to do you good. But if you do wrong, be afraid, for he does not bear the sword for nothing. He is God's servant, an agent of wrath to bring punishment on the wrongdoer. Therefore, it is necessary to submit to the authorities, not only because of possible punishment but also because of conscience. This is also why you pay taxes, for the authorities are God's servants, who give their full time to governing. Give everyone what you owe him: If you owe taxes, pay taxes; if revenue, then revenue; if respect, then respect; if honour, then honour.<sup>37</sup>

This is a difficult passage, for it does not seem to contain caveats for Christians living under unjust or evil rulers but, on its face, appears to be a clear statement of obedience and submission. The text further establishes the notion that God is sovereign, and this seemingly extends to the placement of particular governing authorities over their subjects.

Despite the seemingly clear text, some scholars resist reading the text as a once-and-for-all statement about how Christians should relate to the civil government. For example, Thomas L. Hoyt, Jr., wrote that "[Paul] was not attempting to write a manifesto for the church's relationship to governments for all centuries."<sup>38</sup> We do know that some of the earliest Christians were struggling with antinomianism, for they were living with the idea that Jesus's return was imminent and they did not need to engage in everyday life. Paul was also writing against that tendency and offering that, until the Second Coming of Christ—and the time and date are truly unknown, Paul

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<sup>37</sup> *Romans* 13:1–7.

<sup>38</sup> Thomas L. Hoyt, Jr., *Romans*, in *TRUE TO OUR NATIVE LAND: AN AFRICAN AMERICAN NEW TESTAMENT COMMENTARY* 249, 269 (Brian K. Blount et al. eds., 2007).

insisted—there will be and should be *some* state or civil authority.<sup>39</sup> Whether Paul intended more than this is difficult to know.<sup>40</sup>

A number of other Pauline texts seemingly fall in line with a more literal reading of Romans 13. Ephesians 6:5–8 urges slaves to obey earthly masters and serve wholeheartedly, for this is like serving God. This suggests ready parallels to serving a civil government instituted by God. Colossians 1:15–17 eloquently describes that all things were created in Jesus and all things hold together in him, whether “thrones or powers or rulers or authorities.”<sup>41</sup> The suggestion is that if all of these are held together in Christ then they must have his imprimatur. 1 Timothy 2:1–2 urges its listeners to pray for “kings and all those in authority.”<sup>42</sup> And Titus 3:1–2 commands people “to be subject to rulers and authorities, to be obedient, to be ready to do whatever is good, to slander no one, to be peaceable and considerate, and always to be gentle toward everyone.”<sup>43</sup>

These differing thematic responses have come into tension and even conflict at various times throughout church history—usually with the ruling Christians in power relying upon the theme of submission to the state from Romans 13, and disenfranchised, out-of-power Christians looking to a theme of biblical resistance to authority via Acts 5. One of the starkest instances of this tension in recent history is the case of Christians in apartheid South Africa.

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<sup>39</sup> See 1 Thessalonians 5:1–11; see also HOLLADAY, *supra* note 18, at 299.

<sup>40</sup> Other recent scholars have dealt with Romans 13 in various ways, including suggesting that it is actually “subordinationist” rather than submissive, since Paul urges submission as “an expression of respect not for the authorities themselves but for the crucified deity who stands behind them.” Robert Jewett, *Response: Exegetical Support from Romans and Other Letters*, in PAUL AND POLITICS 58, 67 (Richard A. Horsley ed., 2000). And even others have rejected this passage as a “non-Pauline interpolation into the letter.” Neil Elliott, *Romans 13:1–7 in the Context of Imperial Propaganda*, in PAUL AND EMPIRE: RELIGION AND POWER IN ROMAN IMPERIAL SOCIETY 184, 184 (Richard A. Horsley ed., 1997).

<sup>41</sup> Colossians 1:15.

<sup>42</sup> 1 Timothy 2:2.

<sup>43</sup> Similarly, a Petrine epistle, 1 Peter, sounds quite similar to Romans 13: “Submit yourselves for the Lord’s sake to every authority instituted among men: whether to the king, as the supreme authority, or to governors, who are sent by him to punish those who do wrong and to commend those who do right.” 1 Peter 2:13–14.

## II. THE BIBLE AND CIVIL LAW IN APARTHEID SOUTH AFRICA

Twentieth-century South Africa is at once a tale of colonialism and tribalism, repression and liberation, prejudice and collaboration, and a case study in the debate about the legitimacy of Christian civil disobedience as a means toward social change. Both sides claimed to be Christians and thought themselves to be following the will of God, but they came to very different conclusions about the propriety of civil disobedience (and the propriety of a state policy of separation, or apartheid). On one side of the debate were mostly white Afrikaners, who emphasized the sovereignty of God over the nations and God's use of them to achieve his purposes on earth.<sup>44</sup> On the other side were mostly black native Africans, who argued that the apartheid government was opposed to God's will and the ways of the Kingdom, and that Christians had an obligation to obey the will of God rather than the evil will of men.<sup>45</sup> People on both sides of the debate appealed to Scripture to justify their stances, and these arguments had a real impact on the development of the anti-apartheid movement and the participation or nonparticipation of citizens in civil disobedience campaigns. Eventually, the state-supported apartheid system collapsed, in large part because of prominent theological leaders who drew upon arguments from Acts 5 and argued for specific actions of resistance.

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<sup>44</sup> See *infra* Part II.A.

<sup>45</sup> Many white and Indian South Africans stood in solidarity with black South Africans and participated in civil disobedience campaigns against the apartheid government, and neither of these groups was internally monolithic either. For example, not all those within the Dutch Reformed Church were supportive of the apartheid regime, but they disagreed about the proper role of seeking social change. See Johan D. van der Vyver, *State-Sponsored Proselytization: A South African Experience*, 14 EMORY INT'L L. REV. 779, 792-95 (2000) (listing a number of racially diverse clergy and others who opposed apartheid). See generally PETER ALEXANDER, *WORKERS, WAR & THE ORIGINS OF APARTHEID: LABOUR & POLITICS IN SOUTH AFRICA, 1939-48* (2000) (telling the story of an interracial labor movement during WWII); PADRAIG O'MALLEY, *SHADES OF DIFFERENCE: MAC MAHARAJ AND THE STRUGGLE FOR SOUTH AFRICA* (2007) (telling the story of a key figure of Indian descent in the resistance who was imprisoned with Mandela).

A. *Apartheid in South Africa and the Dutch Reformed Church's Response*

In 1948, after decades of increasing political and economic tensions between white and black people, the National Party came to power in South Africa and began officially instituting the terrible policies of apartheid nationwide.<sup>46</sup> These policies remained in place until Nelson Mandela became the first truly democratically-elected president in 1994.<sup>47</sup> Under apartheid, life for blacks in South Africa was intolerable. Apartheid (which, literally translated, means “apartness” or “separateness”)<sup>48</sup> divided people geographically, economically, socially, and religiously.<sup>49</sup> And, it used arbitrary racial designations as the basis for separation.<sup>50</sup>

The Population Registration Act of 1950 required all people to be racially classified as “White,” “Coloured,” or “Native,” later called “Bantu.”<sup>51</sup> The Act was later amended to include an “Asian” category, which was primarily intended to cover individuals of Indian descent. Black people were classified as Native and had to carry passes with them at all times, facing imprisonment if found in “white areas” without such a pass.<sup>52</sup> The Group Areas Act of 1950 defined who could live in designated locations based on racial classifications, so that the races were kept separate and would not live in the same neighborhoods.<sup>53</sup> Under this policy, many historically black townships were declared available for white residents only, and black residents were forceably removed so that whites could move in and build extravagant communities.<sup>54</sup> The most famous

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<sup>46</sup> NANCY L. CLARK & WILLIAM H. WORGER, *SOUTH AFRICA: THE RISE AND FALL OF APARTHEID* 3, 30, 35 (2004).

<sup>47</sup> *Id.*

<sup>48</sup> *Id.* at 3 (internal quotation marks omitted).

<sup>49</sup> *Id.* at 45.

<sup>50</sup> For instance, one way race was determined was “the ‘pencil in the hair’ test.” SAMUEL A. PAUL, *THE UBUNTU GOD: DECONSTRUCTING A SOUTH AFRICAN NARRATIVE OF OPPRESSION* 31–32 (2009). A pencil was placed in a person’s hair, and if it remained in place they were determined to be either “Native” or “Colored.” *Id.* If the pencil fell out of the person’s hair they were classified as either “Colored” or “White.” *Id.* at 32. Based on this kind of racial test, many families were separated and not allowed to live in the same neighborhood. *Id.*

<sup>51</sup> CLARK & WORGER, *supra* note 46, at 46.

<sup>52</sup> *Id.* at 45–46.

<sup>53</sup> See Group Areas Act 41 of 1950 (S. Afr.).

<sup>54</sup> See CLARK & WORGER, *supra* note 46, at 64–66.

of these forced removals was that of Sophiatown, which was renamed Triomf (meaning Triumph).<sup>55</sup> During this removal, 60,000 people were forced to move miles away from their homes in the pouring rain by armed police and military vehicles while bulldozers destroyed their modest homes and all their belongings were dumped at their new "homes," which were not yet even built.<sup>56</sup>

The apartheid regime sought to prevent sexual relations between the races and therefore banned interracial marriage.<sup>57</sup> And the educational system imposed inequality via the Bantu Education Act of 1953, under which the educational curriculum for black children was intentionally designed to remove any hope of achieving success and living like a white person.<sup>58</sup> The curriculum prepared them for a life of labor and servitude.<sup>59</sup> All private schools for black children—usually Christian missionary schools—were closed, and all black children were forced to attend Bantu public schools.<sup>60</sup> At the peak of apartheid, in the late 1970s, the government of South Africa spent ten times more money educating white children than they did black children.<sup>61</sup>

Blacks faced racism in every facet of life in South Africa. "Whites Only" signs were in nearly every public place, and even sports teams were segregated locally and nationally.<sup>62</sup> Even the churches were segregated, with an infamous "Church Clause" enacted in 1957, which granted jurisdiction to the government to prohibit attendance by blacks at church services.<sup>63</sup> This provision met resistance from all major churches, including the government-supported Dutch Reformed Church, and was never implemented.<sup>64</sup> By 1983, even the National Party admitted that eighty percent of people living in Bantu homelands (designated

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<sup>55</sup> LEONARD THOMPSON, *A HISTORY OF SOUTH AFRICA* 194 (3d ed. 2000).

<sup>56</sup> CLARK & WORGER, *supra* note 46, at 64–65; THOMPSON, *supra* note 55.

<sup>57</sup> See Prohibition of Mixed Marriages Act 55 of 1949 § 1 (S. Afr.).

<sup>58</sup> Bantu Education Act 47 of 1953 § 15 (S. Afr.); see also CLARK & WORGER, *supra* note 46, at 48–49, 51–52.

<sup>59</sup> CLARK & WORGER, *supra* note 46, at 48–49, 51.

<sup>60</sup> See THOMPSON, *supra* note 55, at 196.

<sup>61</sup> *Id.*

<sup>62</sup> *Id.* at 197.

<sup>63</sup> Blacks (Urban Areas) Consolidation Act 25 of 1945 § 9(7), as amended by Black Laws Amendment Act 36 of 1957 § 29(d), repealed by Abolition of Influx Control Act 68 of 1986.

<sup>64</sup> See van der Vyver, *supra* note 45, at 788–89.

areas for black people) were living in poverty.<sup>65</sup> The actual number was probably even higher than these incredible “official” estimates. In short, apartheid was a system that intentionally and systematically dehumanized and disenfranchised the black population of South Africa.<sup>66</sup>

There were some black South Africans, however, who did not merely accept their marginalized status, but famously resisted the apartheid regime in various ways. The resistance by various political and religious groups was often, but not always, nonviolent; it often took the form of boycotts and marches. The nonviolent protests, especially, exposed the brutality of the apartheid regime—as several times police and military forces enacted large-scale violence on organized marches against the apartheid regime. The sights and stories of nonviolent children, teenagers, and women being beaten and killed by state authorities were not uncommon during the most tumultuous periods of apartheid’s reign.<sup>67</sup>

One of the most pernicious aspects of apartheid was that it was grounded in a peculiar theology—birthed primarily in the Dutch Reformed Church—that gave divine blessing to policies of separateness and judged alternative theological readings as blasphemous.<sup>68</sup> This “Afrikaner Theology” had three key features: (1) a narrative reading of Scripture that emphasized racial difference and divinely ordained separation;<sup>69</sup> (2) a “performance” of key biblical stories and an appropriation of a divinely-ordained ethnic identity by the Afrikaner people; and (3) a strong emphasis on Romans 13, read through a peculiar kind of Calvinistic lens.<sup>70</sup>

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<sup>65</sup> CLARK & WORGER, *supra* note 46, at 67.

<sup>66</sup> See generally MARK MATHABANE, *KAFFIR BOY: THE TRUE STORY OF A BLACK YOUTH'S COMING OF AGE IN APARTHEID SOUTH AFRICA* (1986), for a compelling first-hand account of the way that the apartheid system negatively affected the lives of black South Africans.

<sup>67</sup> See, e.g., PETER ACKERMAN & JACK DUVALL, *A FORCE MORE POWERFUL: A CENTURY OF NONVIOLENT CONFLICT* 335–68 (2000).

<sup>68</sup> See PAUL, *supra* note 50, at 13–21.

<sup>69</sup> For an account of the way a narrative reading of Scripture informed Afrikaner theology, see generally *id.* at 13–57.

<sup>70</sup> Hans Engdahl has described this brand of Calvinism as “Afrikaner Calvinism.” See HANS S. A. ENGDahl, *THEOLOGY IN CONFLICT—READINGS IN AFRIKANER THEOLOGY* 46 (2006).

A "high point" of the Afrikaner reading of biblical narrative is the story of Babel in Genesis 11.<sup>71</sup> In this reading, the creation of different races was an act of God that is assumed to be normative.<sup>72</sup> Babel is viewed as the culmination of God's creative work, and the rest of Scripture testifies to this interpretation of the Babel story.<sup>73</sup> For instance, God's insistence throughout the Torah that Israel separate itself from the surrounding nations is strong evidence that God intends those whom He has divinely chosen to maintain their ethnic identity. Further, the harsh judgment made in the book of Nehemiah on interethnic marriages was also viewed as support for a "theology of diversity."<sup>74</sup> In such a theological account, God intends racial and ethnic groups to remain separate and God designed that certain ethnic groups are more elect than others—Europeans are chosen before Africans, and Afrikaners are chosen before the British.<sup>75</sup>

The Afrikaans people—the ethnic descendants of Dutch traders who settled in modern day South Africa—understood themselves as specially chosen by God.<sup>76</sup> They often read their history in light of the biblical Exodus story, believing that they fled from the British, who took away and monopolized the trade route from Britain to India that passed by the tip of South Africa; entered the "promised land," which was teeming with cattle rather than literal milk and honey; and had to defeat the native people (metaphorical Canaanities) who resisted them.<sup>77</sup> Such a reading thus rendered the Afrikaans as a chosen people who were given a particular land by a God who ordained for all times the separation of people by race.

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<sup>71</sup> J.A. Loubser—a theologian in the Dutch Reformed Church writing in the 1980s—has argued that this passage was in reality the first passage of "the Apartheid Bible." See J.A. LOUBSER, A CRITICAL REVIEW OF RACIAL THEOLOGY IN SOUTH AFRICA: THE APARTHEID BIBLE, at x, 92–94 (1987).

<sup>72</sup> *Id.* at 92–94.

<sup>73</sup> *Id.*

<sup>74</sup> *Id.* at 65, 76.

<sup>75</sup> *Id.* at 61–64; PAUL, *supra* note 50, at 21.

<sup>76</sup> See PAUL, *supra* note 50, at 20–21.

<sup>77</sup> See *id.* at 21–25.

Finally, Afrikaner theologians, pastors, and politicians<sup>78</sup> alike all emphasized Paul's admonition in Romans 13 that everyone must submit to the governing authorities as the central Scripture concerning Christian relations to the state. Read through an "Afrikaner Calvinist" lens that emphasized a concept known as "sphere sovereignty,"<sup>79</sup> theologians claimed that the apartheid state was ordained by God and must be obeyed by all living in South Africa. In this account, the state is under God's rule and implements God's will in the political sphere. The different spheres of life are inviolable and function within their own divinely-appointed goals and norms. So, the sphere of the state, or the political sphere, is autonomous and is "so important that even sin [could] not violate [it]."<sup>80</sup> Read this way, the injunction in Romans 13 to be subject to the governing authorities is an inviolable command that even the church cannot transgress. It is binding in all times and in all places, especially in apartheid South Africa.<sup>81</sup>

But while such a reading was extremely influential during the years of the apartheid government, it was not the only public interpretation of Scripture in South Africa. There were multiple voices, both black and white, that argued that obedience to God in fact required disobedience to the apartheid government.

Three of the loudest of these voices were the Kairos Theologians, Beyers Naudé and the Christian Institute of Southern Africa, and Episcopalian Archbishop Desmond Tutu.<sup>82</sup>

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<sup>78</sup> See *id.* at 75, for an example of the way P.W. Botha—President of South Africa during the most tumultuous years of the 1980s—used Romans 13 to demand obedience to the apartheid government. Samuel Paul also recounts the story of a policeman arguing with Allan Boesak—a prominent anti-apartheid minister and activist—for more than an hour about the interpretation of Romans 13 and submission to the apartheid regime. See *id.*

<sup>79</sup> See ENGBAHL, *supra* note 70, at 138; LOUBSER, *supra* note 71, at 38–39 (citing to Kuyperian sphere sovereignty).

<sup>80</sup> LOUBSER, *supra* note 71, at 39.

<sup>81</sup> Such a reading is aligned with John Calvin's original views on the respective roles of magistrates and subjects. JEAN CALVIN, INSTITUTES OF THE CHRISTIAN RELIGION bk. IV, ch. X., secs. 25, 29 (William B. Eerdmans rev. ed. 1986) (1975). He taught that obedience to rulers is the *sine qua non* of Christianity, for rulers are put in place by God and therefore must be obeyed. The duties owed to the ruler are not dependent on proper behavior by the ruler; they run independent of the ruler's actions. See *id.* For more explication of Calvin's views, see Joel A. Nichols, *A Man True to His Principles: John Joachim Zubly and Calvinism*, 43 J. CHURCH & ST. 297, 303–05 (2001).

<sup>82</sup> See *infra* Parts II.B–D.

### B. *The Kairos Theologians*

The Kairos Document<sup>83</sup> was a theological statement—often compared to the 1934 “Barmen Declaration” by Karl Barth and the Confessing Church in Germany<sup>84</sup>—that was composed in 1985 by a group of anonymous South African theologians; it was circulated throughout South Africa and the world. The Kairos Document arose from the bottom-up as a particular form of liberation theology.<sup>85</sup> The Kairos Document provided a scathing theological denunciation of the apartheid regime and laid the theological foundation for resistance to, and eventual overthrow of, the regime.<sup>86</sup> Included in this broader statement was a biblical defense of civil disobedience as a means of achieving this end and a condemnation of the use and abuse of Romans 13 and “state theology” by defenders of apartheid.<sup>87</sup>

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<sup>83</sup> THE KAIROS THEOLOGIANS, THE KAIROS DOCUMENT: CHALLENGE TO THE CHURCH (1985), reprinted in BETWEEN CHRIST AND CAESAR, *supra* note 9, at 251, 251–69 [hereinafter THE KAIROS DOCUMENT].

<sup>84</sup> “The Theological Declaration of Barmen” or “The Barmen Declaration” was written in 1934 by Karl Barth and other German theologians associated with the “Confessing Church,” which publicly denounced the state theology of Nazi Germany as heresy. THE BARMEN DECLARATION (1934), reprinted in BETWEEN CHRIST AND CAESAR, *supra* note 9, at 97–99 (quoting Douglas S. Lax, *The Barmen Declaration: A New Translation*, J. THEOLOGY S. AFR., June 1984, at 78, 78–81). It was a protest against the policy of the Nazi regime that determined the way Christian worship was to occur in Nazi Germany. These theologians refused to be told by any government how Christian worship should look or what it should support. While a bold move, one of its signers, Dietrich Bonhoeffer, eventually became disillusioned with and marginalized within the Confessing Church partly because of its members’ refusal to speak out on behalf of Jews as loud as they did on behalf of their own religious liberty. See Matthew D. Hockenos, *The Church Struggle and the Confessing Church: An Introduction to Bonhoeffer’s Context*, 2 STUD. CHRISTIAN-JEWISH REL. 1, 8–10, 18–20 (2007). Bonhoeffer, preceding the spirit of the Kairos theologians, understood Christianity as requiring a commitment to be a “person . . . for others” and to work on behalf of those oppressed in society. *Dietrich Bonhoeffer (1906-1945)* (Milner Ball ed.), in TEACHINGS OF MODERN CHRISTIANITY, *supra* note 9, at 342.

<sup>85</sup> See BETWEEN CHRIST AND CAESAR, *supra* note 9, at xxv. In fact, the Kairos theologians were directly influenced by both Liberation Theology in Latin America and Black Theology in the United States. Drawing on the legacy of these theological movements, they were explicit that “good theology” must be “contextual theology.” PETER WALSH, PROPHECIC CHRISTIANITY AND THE LIBERATION MOVEMENT IN SOUTH AFRICA 54, 56 (1995).

<sup>86</sup> Peter Walshe, *The Evolution of Liberation Theology in South Africa*, 5 J.L. & RELIGION 299, 309 (1987) (“The *Kairos Document* stirred the churches as nothing before.”).

<sup>87</sup> The Kairos Document named the theology that emphasized Romans 13 and the sovereignty of God over the nations as “state theology” because of its usage to justify the existence of the apartheid state. See THE KAIROS DOCUMENT, *supra* note

The Kairos Theologians began their rebuttal of “state theology’s” use of Romans 13 by claiming that the passage has often been misused throughout history by unjust, totalitarian, and sinful governments and authorities to legitimize their rule and justify their oppression.<sup>88</sup> They claimed that this interpretation and use was a perversion of Paul’s intent understood in light of the whole text.<sup>89</sup> Paul was not, as “state theology” assumes, claiming to write a once-for-all, final-word-on-the-subject declaration about the relationship of Christians to governing authorities or the state.<sup>90</sup> To treat the text in such a way is inappropriate because it reads it out of its immediate context in Romans, its context within the entire biblical witness, and the context of first-century Christians living in Rome.

In the book of Romans, “Paul was writing to a particular Christian community in Rome, a community that had its own particular problems in relation to the State at that time and in those circumstances.”<sup>91</sup> And those Roman Christians, according to the Kairos Theologians, were most likely Christian antinomians who believed that they were not required to obey the laws of *any* governing authority other than their one Lord, Jesus Christ.<sup>92</sup> Their allegiance to Christ and his Kingdom meant that they were no longer subject to any earthly authority.<sup>93</sup> In this context it makes sense for Paul to say what he did. Christians in Rome were shirking their civil duties in an irresponsible way. This does not seem to be a one-time problem in the early church. For instance, Paul admonishes Christians in a similar way in 2 Thessalonians 3:6–13 to work for their food.<sup>94</sup> Apparently, there were Christians who believed so sincerely that

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83, at 252 (“The South African apartheid State has a theology of its own and we have chosen to call it ‘State Theology.’ ‘State Theology’ is simply the theological justification of the status quo with its racism, capitalism and totalitarianism. It blesses injustice, canonises the will of the powerful and reduces the poor to passivity, obedience and apathy. . . . It does [this] by misusing theological concepts and biblical texts for its own political purposes.”).

<sup>88</sup> See *id.* at 252–53.

<sup>89</sup> *Id.*

<sup>90</sup> It is important to note that the modern concept of the nation-state did not exist at the time Paul was writing. However, we will sometimes use this language for ease of the discussion at hand.

<sup>91</sup> *Id.* at 253.

<sup>92</sup> *Id.*

<sup>93</sup> *Id.*

<sup>94</sup> 2 *Thessalonians* 3:6–13 (New International).

Jesus would return at any moment—and *soon*—that they stopped working and spent their days idle in anticipation of the second coming of Jesus. Paul rebuked this attitude and commanded Christians to be productive members of society. Paul's emphasis, therefore, is that Christians *do* have a duty to be good citizens. One way in which Christians should fulfill this duty is by being subject to governing authorities. However, in this reading the emphasis is not on *the extent* to which that duty applies, but simply that it is not a duty that Christians can easily dismiss as irrelevant to the spiritual life.<sup>95</sup> This reading especially does not teach that this duty can never be transgressed (like the prohibition of murder or adultery).

This is especially important in light of the entire biblical witness. The Kairos Theologians straightforwardly claimed that "in the rest of the Bible God does not demand obedience to oppressive rulers."<sup>96</sup> The Israelites, while slaves in Egypt, were led by God in a social revolt.<sup>97</sup> God raised up prophets consistently to denounce the prevailing ethos and social standards of their day. Some of these, like Isaiah walking around naked for three years, intentionally used civil disobedience as a creative, nonviolent protest against rulers of the day.<sup>98</sup> The biblical book of Daniel includes three key stories of faithful civil disobedience.<sup>99</sup> Even Jesus, on multiple occasions, broke either custom or law for the causes of justice, love, mercy, and compassion.<sup>100</sup> In the context of the entire biblical witness, Paul could not have meant his brief statement in Romans 13 about being subject to governing authorities to be the only rule for how Christians should relate to government.

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<sup>95</sup> See THE KAIROS DOCUMENT, *supra* note 83, at 253. ("Paul is simply not addressing the issue of a just or unjust State or the need to change one government for another. He is simply establishing the fact that there will be some kind of secular authority and that Christians as such are not exonerated from subjection to secular laws and authorities. He does not say anything at all about what they should do when the State becomes unjust and oppressive. That is another question.")

<sup>96</sup> *Id.*

<sup>97</sup> *Id.* (referring to the Exodus narrative).

<sup>98</sup> *Isaiah* 20:1–6.

<sup>99</sup> See *Daniel* 1:1–21 (Daniel and his comrades refusing to eat the ceremonially unclean food of the Babylonian king); *id.* at 3:1–30 (Shadrach, Meshach and Abednego refusing to bow to the statue of King Nebuchadnezzar); *id.* at 6:1–28 (Daniel refusing to obey the Babylonian law that forbade prayer to any god other than King Darius).

<sup>100</sup> See, e.g., *Matthew* 21:12.

Finally, the Kairos Theologians insisted that one could not read Romans 13 apart from Revelation 13.<sup>101</sup> In Revelation the contemporary governing authority is described as a beast who received its authority and blessing from a dragon, Satan.<sup>102</sup> This beast of a government was violent, war-loving, oppressive, and blasphemous.<sup>103</sup> And the beast's days were numbered. It would not always be allowed to impose its will on people. In Romans 13 we see that, in some way, God granted the Roman Empire its authority, but in Revelation 13 we see that, in some way, Satan granted the Roman Empire its authority. Inasmuch as a government is in line with God's will and is fulfilling its purpose of rewarding what is right and punishing what is wrong, it can be viewed as blessed and ordained by God and worthy of one's obedience. Inasmuch as a government does not fulfill its mission, and even does the exact opposite by punishing what is right and rewarding what is wrong, it cannot be viewed as blessed and ordained by God. Rather, it should be viewed as blessed and ordained by Satan and completely unworthy of a Christian's subjection and obedience. Its days are numbered and Christians side with God's will over the will of the state or unjust government.<sup>104</sup> At least, this is what the Kairos Theologians claimed.

The Kairos Document also provides a heavy critique of the strong emphasis in "state theology" on God's sovereignty over the nations. It speaks of this god as "[t]he God of the State."<sup>105</sup> The so-called apartheid constitution said in its preamble:

In humble submission to Almighty God, who controls the destinies of nations and the history of peoples; who gathered our forbears together from many lands and gave them this their own; who has guided them from generation to generation; who has wondrously delivered them from the dangers that beset them.<sup>106</sup>

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<sup>101</sup> See THE KAIROS DOCUMENT, *supra* note 83, at 253–54. Others claim that one cannot read Romans 13 apart from the story of Jesus's temptation in the wilderness in *Luke* 4:1–13. In that story, Satan is able to offer Jesus all the kingdoms of the world. This must mean, according to some, that Satan has authority over earthly kingdoms and governments. The earth is Satan's realm until the Kingdom comes in its fullness, and Christians would do well to recognize that fact. *Id.*

<sup>102</sup> See *Revelation* 13:1–18.

<sup>103</sup> See THE KAIROS DOCUMENT, *supra* note 83, at 253–54.

<sup>104</sup> *Id.* at 254

<sup>105</sup> *Id.* at 255.

<sup>106</sup> *Id.*

The Kairos Theologians criticized this god as a sinister and evil . . . idol[ ] . . . [;] a god who is historically on the side of the white settlers, who dispossesses black people . . . [;] the god of superior weapons who conquered those who were armed with nothing but spears[;] . . . the god of teargas, rubber bullets, sjamboks, prison cells and death sentences. Here is a god who exalts the proud and humbles the poor—the very opposite of the God of the Bible who “scatters the proud of heart, pulls down the mighty from their thrones and exalts the humble” (*Lk* 1:51–52).<sup>107</sup>

The opposite of the biblical God, according to the Kairos Document, is Satan.<sup>108</sup> Therefore, since the apartheid constitution portrayed a picture of God that was the opposite of the biblical picture, the god of the apartheid state must have been Satan. They called this god, and this interpretation of Romans 13, a heresy and a blasphemy intended to serve an unjust state and those who benefit from its oppression.<sup>109</sup>

“But the critique of the Kairos Document goes far beyond state theology and the theology of the Dutch Reformed churches. It also addresses the shallow liberalism of the mainline English-speaking churches, both Catholic and Protestant.”<sup>110</sup> The document termed this “shallow” theology “Church Theology.”<sup>111</sup> Such “church theology” emphasizes reconciliation to the detriment of justice.<sup>112</sup> It overlooks social and institutional injustice in its analysis of the evils of apartheid and claims that the conversion of individuals and the power of personal relationships are central to overcoming them.<sup>113</sup> It extols forgiveness but ignores repentance, and spiritualizes—in a

<sup>107</sup> *Id.* (quoting *Luke* 1:51–52 (New International)).

<sup>108</sup> *Id.*

<sup>109</sup> *Id.*

<sup>110</sup> Bonganjalo Goba, *The Kairos Document and Its Implications for Liberation in South Africa*, 5 *J.L. & RELIGION* 313, 317 (1987); see also *id.* at 325 (“For too long, Christianity has been used to defend political tyranny, particularly by the so-called Afrikaner Christian leaders in both church and society. The *Kairos* movement, I believe, represents a dynamic hope for Christianity. It is a vindication of the gospel of Christ which has radical consequences for believers who are faithful and committed to justice and peace.”).

<sup>111</sup> See THE KAIROS DOCUMENT, *supra* note 83, at 256.

<sup>112</sup> *Id.* at 256–61.

<sup>113</sup> *Id.* at 257–58.

negative way—material realities.<sup>114</sup> Such a theology, in practice, was nothing more than acquiescence to and appeasement of the injustice and heresy of apartheid.

Theology, according to the Kairos theologians, then, functioned badly in two ways in apartheid South Africa: It either provided a biblical justification of apartheid that made it immune to criticism, or it overemphasized an individualistic and evangelical theology that devalued the material and physical world, including political life.

### C. Beyers Naudé and the Christian Institute of Southern Africa

Beyers Naudé was a white Afrikaner pastor, born the son of a pastor.<sup>115</sup> He was moving through the ranks of the Dutch Reformed Church, a member of the Broederbond (South Africa's elite fraternal order) and destined for leadership in the country, possibly even as Prime Minister.<sup>116</sup> He was, accordingly, a strong defender of apartheid.<sup>117</sup> But slowly from 1955 to 1960, he began to have a change of heart as a result of an intense period of biblical study.<sup>118</sup> And then the violence of the Sharpeville Massacre in 1960 provided the impetus for a "Damascus Road experience" for him; he thereafter shifted into one of apartheid's staunchest opponents, for he believed "separateness" could neither be biblically nor theologically justified. By 1963, Naudé was defrocked and ousted from his pastorate for his views.<sup>119</sup> In a September 22, 1963 sermon announcing his decision to step

<sup>114</sup> *Id.* at 257.

<sup>115</sup> See COLLEEN RYAN, BEYERS NAUDÉ: PILGRIMAGE OF FAITH 2–11 (2d ed. 2005); Charles Villa-Vicencio, *A Life of Resistance and Hope*, in RESISTANCE AND HOPE: SOUTH AFRICAN ESSAYS IN HONOUR OF BEYERS NAUDÉ 3 (Charles Villa-Vicencio & John W. de Gruchy eds., 1985).

<sup>116</sup> See G. McLeod Bryan, *Introduction* to BEYERS NAUDÉ, BAPTIST PEACEMAKER INT'L, PAMPHLET NO. 5, SPIRITUALITY THE STRUGGLE FOR LIBERATION IN SOUTH AFRICA 1 (1st ed. 1986); RYAN, *supra* note 115, at 31–32; Desmond Tutu, *God's Servant Beyers—A Legendary Afrikaner*, COMMON THEOLOGY, Spring 2004 at 12, 12, available at <http://www.commontheology.com/archives/CTV19Spring04.pdf>.

<sup>117</sup> See Charles Villa-Vicencio, *supra* note 115, at 5–7.

<sup>118</sup> RYAN, *supra* note 115, at 40–52. Ryan dates some of Naudé's strongest initial misgivings to 1953, even though 1955 is typically described as the beginning of his altered theology. See *id.* at 37; see also Charles Villa-Vicencio, *supra* note 115, at 7–8.

<sup>119</sup> Tutu, *supra* note 116. Naudé became the successor to Archbishop Tutu as the head of the South African Council of Churches in 1985 after his "un-banning" by the government. J.C. Pauw, *The Life and Legacy of Beyers Naudé*, in THE LEGACY OF BEYERS NAUDÉ 7, 11 (L. D. Hansen ed., 2005).

down from his pastorate under pressure rather than temper his anti-apartheid activity, Naudé pleaded with his congregants to follow God rather than humans.<sup>120</sup> His sermon was titled "Obedience to God," and it expressly rested upon the text of Acts 5:29.<sup>121</sup> It urged the parishioners to action: "O my Church, I call today with all the earnestness that is in me: awake before it is too late, stand up and stretch out the hand of Christian brotherhood to all who reach out to you in sincerity! There is still time, but time is becoming short, very short."<sup>122</sup>

It was Naudé's founding of the Christian Institute of Southern Africa ("CISA") in 1963, and his attendant publication of the journal *Pro Veritate* in an effort to advance ecumenical dialogue and work against apartheid, that led to his ouster from his parish.<sup>123</sup> Undaunted, Naudé and his fellow English and, mostly white, South African Christians in CISA continued to combat apartheid.<sup>124</sup> CISA, and Naudé himself, were ultimately "banned" by the government in the 1970s for their work toward equality for blacks.<sup>125</sup> In light of this, Naudé and others defended the right and duty of Christians to disobey an unjust government during a state trial concerning CISA.<sup>126</sup>

In his 1973 statement "Divine or Civil Obedience," some twelve years prior to the Kairos Document, Naudé (with Theo Kotzé and Roelf Meyer) emphasized Paul's statement in Romans 13 that governing authorities exist to be "God's servant" for the people's good.<sup>127</sup> As long as a government or state is acting as

<sup>120</sup> REV. C.F.B. NAUDÉ, Director, Christian Institute of Southern Africa, *Obedience to God*, Sermon to the Aasvoëlkop Congregation of the N.G. Kerk (Sept. 22, 1963), in *MY DECISION: THREE SERMONS* 3, 3–11 (1963).

<sup>121</sup> *Id.*

<sup>122</sup> Beyers Naudé, *From the Archives: Obedience to God*, in *THE LEGACY OF BEYERS NAUDÉ*, *supra* note 119, at 25, 29. For a moving account of this from his daughter see Liz Clarke, *A Peek at the Private Life of Beyers Naude*, IOL NEWS (Sept. 12, 2004, 12:06 PM), <http://www.iol.co.za/news/politics/a-peek-at-the-private-life-of-beyers-naude-1.221705>. Naudé also famously preached a passage from Jeremiah in his farewell sermon to his congregation in 1963, wherein he insisted that God used the Bible as a "sledgehammer" of judgment upon all human systems, social customs, and traditions—including apartheid. See Beyers Naudé, *From the Archives: The Flame of Fire and Sledgehammer*, in *THE LEGACY OF BEYERS NAUDÉ*, *supra* note 119, at 41, 41.

<sup>123</sup> RYAN, *supra* note 115, at 73–85.

<sup>124</sup> See generally *id.* at 86–186.

<sup>125</sup> See Walshe, *supra* note 86, at 302–06.

<sup>126</sup> See, e.g., RYAN, *supra* note 115, at 154–57.

<sup>127</sup> See *The Christian Inst. on Trial, Divine or Civil Disobedience (1973)*, in *BETWEEN CHRIST AND CAESAR*, *supra* note 9, at 217, 219 [hereinafter *THE TRIAL OF*

God's servant by pursuing policy and law that reflects God's will, Christians should be subject to such a state, Naudé said.<sup>128</sup> If a government is not acting as God's servant, though, but is instead serving itself, it becomes the Christian's duty to resist such a state.<sup>129</sup> "Authority is only legitimate when it does not act contrary to God's will."<sup>130</sup> Historically, the emphasis of interpretation in Romans 13 had been on the words "be subject" when it should have been on the fact that the state or governing authorities exist to be "God's servant."<sup>131</sup> This was quite a useful interpretive move, for it enabled Naudé to turn the conversation away from the individual and onto the government instead.

When one's emphasis shifts in that way, one must no longer conclude that any specific government in any particular culture at any given time is a creation of, or ordained by, God. Rather, every governmental system is subject to God's will as God's servant. Since each individual Christian is also God's servant, when a government is acting as a servant of God, which it is called to do, Christians should be subject to it. However, when a government is not acting as a servant of God's will, Christians, as God's servants, must pursue God's will even to the point of resisting and disobeying the wayward government.<sup>132</sup>

According to Naudé, when a government ceases to function as God's servant it becomes idolatrous because it then begins serving itself and its own interests rather than God's will.<sup>133</sup> This

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BEYERS NAUDÉ] (quoting INT'L COMM'N OF JURISTS, *THE TRIAL OF BEYERS NAUDÉ: CHRISTIAN WITNESS AND THE RULE OF LAW* 153 (1975)); see also RYAN, *supra* note 115, at 153–55.

<sup>128</sup> See *THE TRIAL OF BEYERS NAUDÉ*, *supra* note 127, at 219.

<sup>129</sup> *Id.*

<sup>130</sup> *Id.*

<sup>131</sup> *Id.*

<sup>132</sup> *Id.* at 219–20 ("Where such deviation from the Gospel occurs, it is therefore not only the right of the Christian to resist authority, but his duty to offer passive resistance in obedience to the Gospel, even if in so doing he has to disobey the Government. If a Government violates the Gospel, it loses its authority to be obeyed in its office as ruler. . . . Therefore one can only speak of Government and its authority . . . as long as it is said that it possesses the intention and the capability to accept responsibility for justice and righteousness. If this governmental function is distorted, however, then that Government has dissolved itself, its authority is no longer from God, and it is plainly in conflict with God. As a result of this, according to Romans 13, the Christian is no longer required to be obedient to the guilty (Government), but to a much greater extent obliged to resist such a Government which has degenerated.") (second alteration in original) (internal quotation marks omitted).

<sup>133</sup> *Id.*

is the story of Revelation 13—the biblical apocalyptic story of “the beast”—reoccurring in the modern day.<sup>134</sup> Naudé argued that when this becomes the case, it is the *duty* of Christians to disobey their idolatrous government:

When the Government deviates from the Gospel, the Christian is bound by his conscience to resist it. Even if this results in breaking the law, it has to be done because God's will must be maintained above the law of man (Acts 4). The Government is God's servant and this means that it cannot arbitrarily place itself above the rule of law without impinging on the highest authority. If it does it, it becomes the evil-doer, (Romans 13) which must be resisted in obedience to God.<sup>135</sup>

Therefore, it is not government and authorities *as such* that are appointed by God. It is only those authorities that act as God's servants on earth that are approved by God.

#### D. Desmond Tutu

The most well-known, and perhaps most “effective,” theological critic of the apartheid state is Episcopalian Archbishop Emeritus of Cape Town Desmond Mpilo Tutu.<sup>136</sup> Archbishop Tutu was president of the South African Council of Churches during an important period of the anti-apartheid struggle and was awarded the Nobel Peace Prize in 1984 for his work in nonviolently resisting the apartheid government in multiple marches and acts of civil disobedience.<sup>137</sup> He also chaired the South African Truth and Reconciliation Commission (“TRC”) after the establishment of a democratic government, having been appointed by President Nelson Mandela.<sup>138</sup> His work on the TRC has inspired and informed multiple truth and reconciliation commissions throughout the world as an alternative way forward after severe national conflict, emphasizing

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<sup>134</sup> *Id.* at 218. “If such a Government continues in this headlong way [of pursuing its own interests through domination rather than serving the interests of the people], the logical outcome is that it becomes idolatrous because everything has to flow out of, through and towards the National State (cf. Revelation 13).”

<sup>135</sup> *Id.* at 220.

<sup>136</sup> See generally JOHN ALLEN, RABBLE-ROUSER FOR PEACE: THE AUTHORIZED BIOGRAPHY OF DESMOND TUTU (2006).

<sup>137</sup> *The Nobel Peace Prize 1984: Desmond Tutu*, THE OFFICIAL WEBSITE OF THE NOBEL PRIZE, [http://nobelprize.org/nobel\\_prizes/peace/laureates/1984/](http://nobelprize.org/nobel_prizes/peace/laureates/1984/) (last visited Oct. 22, 2011); see also ALLEN, *supra* 136, at 210–12, 245.

<sup>138</sup> See DESMOND MPILO TUTU, NO FUTURE WITHOUT FORGIVENESS 110 (1999).

reconciliation and restorative justice rather than vengeance and punishment. Tutu has become one of the world's leading moral voices and has become nearly as synonymous as Mandela with the struggle for freedom and forgiveness on the African continent.<sup>139</sup>

In his public sermons, speeches, and writings, Tutu raised the same points concerning civil disobedience that the Kairos Theologians and CISA did.<sup>140</sup> He spoke of politicians quoting Romans 13 while ignoring Revelation 13.<sup>141</sup> He pointed out that, according to Romans 13, governments are to act as God's servants and are no longer worthy of Christian obedience if they fail to do so.<sup>142</sup> Tutu often pointed out that there are multiple stories in Scripture of civil disobedience, especially from Jesus, that are examples of faithfulness to God.<sup>143</sup> He repeated these arguments regularly. There are two reasons, though, that were also part of his argument for faithful civil disobedience that were not raised in the same way by either the Kairos Theologians or CISA: (1) apartheid, as such, is unbiblical; and (2) Christians have a duty to resist an unjust government, as exemplified in Acts 4:19–20 and, especially, in Acts 5:29.

Tutu frequently claimed that apartheid as a social policy was unbiblical and heretical. In fact, it went against God's intentions and purposes for humanity, and therefore was in direct conflict with God's will on earth. In one of his most moving and in-depth speeches—given when the apartheid government was investigation in the work of the South African Council of Churches of which he was head—Tutu argued that “the Bible describes God as creating the universe to be a cosmos and not a chaos . . . in which harmony, unity, order, fellowship, communion, peace and justice would reign and that this divine

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<sup>139</sup> See generally ALLEN, *supra* note 136.

<sup>140</sup> See *infra* Parts II.B–C.

<sup>141</sup> He pointed this out in a letter written to President P.W. Botha in 1988. See DESMOND TUTU, *Your Policies are Unbiblical, Unchristian, Immoral and Evil* (1988), in THE RAINBOW PEOPLE OF GOD 145, 152 (John Allen ed., 1994) [hereinafter THE RAINBOW PEOPLE OF GOD].

<sup>142</sup> *Id.* “The ruler is God's servant to do the subjects good. The ruler rules for the benefit of the ruled. That comes . . . from the Holy Scriptures. The corollary is that you must not submit yourself to a ruler who subverts your good.” *Id.* (citations omitted).

<sup>143</sup> See, e.g., DESMOND TUTU, *They Have Power but No Authority* (1989), in THE RAINBOW PEOPLE OF GOD, *supra* note 141, at 169, 171 [hereinafter *They Have Power but No Authority*].

intention was disturbed by sin."<sup>144</sup> After sin entered the world the exact opposite of what God created the earth to be ensued: "disunity, alienation, disorder, chaos, enmity, separation."<sup>145</sup> Since then, God has been striving, seen most explicitly in the life and ministry of Jesus, to reconcile people and the world to him and each other. "Consequently, from a theological and scriptural base, . . . apartheid, separate development or whatever it is called is evil, . . . unchristian and unbiblical."<sup>146</sup> Tutu recounted the entire biblical narrative, emphasizing that the stories of the Fall and Babel clearly demonstrate that separation and sin go hand in hand with one another—in direct contradiction to the interpretation of this story in Afrikaner theology—and that the story of Jesus's ministry and Paul's theological interpretation of Christ's significance demonstrate the divine imperative to reach across boundaries and seek reconciliation.<sup>147</sup> Inasmuch as apartheid sought to separate people based on race, rather than encourage unity and reconciliation, it was sinful, unbiblical, and working against God's purposes in the world.<sup>148</sup>

Tutu also pointed out three other ways in which apartheid was unbiblical and sinful. First, Tutu's theology emphasizes that all people are created in the image of God, as stated in Genesis 1:27.<sup>149</sup> For Tutu, this ontological reality carries ethical obligations to treat fellow human beings in a way that respects the presence of God's image that they carry with them.<sup>150</sup> Apartheid, he claimed, denied that image and degraded both God and black South Africans by trampling on it.<sup>151</sup> Second, by emphasizing separateness and difference, rather than unity and reconciliation, apartheid was subverting "the chief work that Jesus came to perform on earth," namely, reconciliation.<sup>152</sup> Finally, for Tutu, ends prove the means.<sup>153</sup> So, the end result of apartheid was, among other things, extreme poverty, sickness,

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<sup>144</sup> DESMOND TUTU, *The Divine Imperative* (1982), in *THE RAINBOW PEOPLE OF GOD*, *supra* note 141, at 53, 55 [hereinafter *The Divine Imperative*].

<sup>145</sup> *Id.*

<sup>146</sup> *Id.* at 56.

<sup>147</sup> *Id.* at 59–62.

<sup>148</sup> *Id.* at 56.

<sup>149</sup> *Id.* at 60, 64.

<sup>150</sup> *Id.*

<sup>151</sup> *Id.* at 64–65.

<sup>152</sup> *Id.* at 64.

<sup>153</sup> *Id.* at 66.

death, broken families, self-hate, violence, and human rights violations; all of which were racialized.<sup>154</sup> The evil results of apartheid proved that apartheid was evil and sinful.

After presenting such a damning critique—theologically, biblically, and ethically—Tutu went back to the Christian Scriptures to claim that a Christian's allegiance to God trumped any responsibility to such an unbiblical and sinful government.<sup>155</sup> He drew on the example of Peter, John, and the apostles who boldly proclaimed, in a courtroom, "We must obey God rather than men!"<sup>156</sup> Whenever a human authority demands Christians to act in an unchristian way, their allegiance to God trumps their duty to obey such a government.<sup>157</sup> Tutu drew great inspiration from this example of the apostles' fearlessness in the face of imprisonment, violence, and death.<sup>158</sup> Their example provided a precedent for Christian civil disobedience. Whenever someone would accuse Tutu of acting in an unchristian way—because he broke the law—or accused him of not respecting law and order, they could be sure to be reminded of Peter's bold words before a council of religious, social, and political leaders in the first century.<sup>159</sup>

Tutu said very bluntly, "Our marching orders come from Christ himself and not from any human being. . . . When laws are unjust then Christian tradition teaches that they do not oblige obedience."<sup>160</sup> On another occasion he said, "[the Bible] says when a ruler gives you unjust laws, disobey. You are not disobeying the ruler, you are obeying God. . . . [T]he church says, an unjust law does not oblige obedience."<sup>161</sup> At such times civil *disobedience* is a religious obligation, because "not to oppose

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<sup>154</sup> See generally DESMOND TUTU, *Apartheid's "Final Solution" (1984)*, in THE RAINBOW PEOPLE OF GOD, *supra* note 141, at 85.

<sup>155</sup> DESMOND TUTU, *Your Policies are Unbiblical, Unchristian, Immoral and Evil (1988)*, in THE RAINBOW PEOPLE OF GOD, *supra* note 141, at 145, 151–52 [hereinafter *Your Policies are Unbiblical*].

<sup>156</sup> Acts 5:29 (New International); see *Your Policies are Unbiblical*, *supra* note 155.

<sup>157</sup> *They Have Power but No Authority*, *supra* note 143.

<sup>158</sup> *Your Policies are Unbiblical*, *supra* note 155.

<sup>159</sup> *Id.*

<sup>160</sup> *Id.* at 150–51.

<sup>161</sup> *They Have Power but No Authority*, *supra* note 143 (first alteration in original).

injustice is to disobey God."<sup>162</sup> This is the best summary of the stance of the many Christians who committed countless acts of civil disobedience in the hopes of dismantling the apartheid government of South Africa and instituting a more just, free, and equal democratic government.

### CONCLUSION

Romans 13:1–7 presents what is

at once a notorious exegetical problem and a theological scandal . . . . These verses have "caused more unhappiness and misery in the Christian East and West than any other seven verses in the New Testament by the license they have given to tyrants," as they have been "used to justify a host of horrendous abuses of individual human rights."<sup>163</sup>

This is surely true about the South African apartheid regime, as it has been true about other evil governments throughout history.<sup>164</sup> But Romans 13 is canonical text—and just as it was initially written to encourage the first-century Christians to, quite literally, render to Caesar what belonged to Caesar, surely it has some purchase today as well.<sup>165</sup> Surely Paul's reminder to Christians who live in this world that they will live under some form of civil government, and his admonition to submit to the legitimate authority of the same, has present import. Romans 13 is not alone in the New Testament in urging obedience to civil authorities and magistrates, for such authorities are God-ordained. But Acts 5 and other passages indicate quite plainly that Christians' first allegiance is to God, not the state, and that if there is conflict between the two, then God must be obeyed.<sup>166</sup> Such a conflict could easily arise, one could imagine, when the obligation to treat people as God would treat them—since humans are created in God's image<sup>167</sup>—is set against rules of a state that denigrate the equal worth of some humans.

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<sup>162</sup> DESMOND TUTU WITH DOUGLAS ABRAMS, *GOD HAS A DREAM: A VISION OF HOPE FOR OUR TIME* 63 (2004).

<sup>163</sup> Elliott, *supra* note 40 (quoting J.C. O'NEIL, *PAUL'S LETTER TO THE ROMANS* 209 (1975)).

<sup>164</sup> See, e.g., *supra* notes 4–9; Part I.B.

<sup>165</sup> See *Matthew* 22:21 (New International) ("Give to Caesar what is Caesar's, and to God what is God's.").

<sup>166</sup> Compare *Acts* 5, with *Romans* 13.

<sup>167</sup> See *Genesis* 1:26–31, 2:7; see also *The Divine Imperative*, *supra* note 144, at 60–61.

This seeming dichotomy between lawful authority and liberation, between settled order and renewal, also arises elsewhere in the Bible. As but one example, the Old Testament, on the one hand, contains a strong, repeated narrative of liberation—especially in the Exodus story but also in the return of the Israelites from Babylonian exile and the promise of a future messiah.<sup>168</sup> On the other hand, there is what Walter Brueggemann has called the “royal consolidation” trajectory, encompassing the reign of Saul and the even more successful Davidic line.<sup>169</sup> While the former is a Mosaic tradition affirming freedom, even at the potential cost of political stability, the latter emphasizes a Davidic-Solomonic commitment to order and continuity.<sup>170</sup>

Rather than merely picking one theme at the expense of the other, it seems apparent from such a study that the biblical text requires interpretation. It is not self-executing, as one might say about law, but requires humans regularly to perform the challenging task of interpretation. This applies not only to particular words and pericopes (for example, potential reinterpretations of Romans 13 by South African theologians) but also to the themes of Scriptures themselves and how they apply, or not, to particular situations. Theology requires not just right words or even the right themes, but the praxis of applying those biblical notions. There is no one-size-fits-all model; different times and circumstances call for discernment. Here one might turn again to the book of Acts—but not to invoke Acts 5:28 again, but instead to emphasize that the right time (*kairos*, in the original Greek) must be properly ascertained. As Luke Timothy Johnson has stated, Acts is “the Book of the Holy Spirit,” wherein the Spirit “is an active power intervening in the progress of the mission, both impelling and guiding it.”<sup>171</sup> This active power of

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<sup>168</sup> See, for example, Exodus, Isaiah, Ezra, Nehemiah, and others.

<sup>169</sup> Walter Brueggemann, *Trajectories in Old Testament Literature and the Sociology of Ancient Israel*, in *THE BIBLE AND LIBERATION: POLITICAL AND SOCIAL HERMENEUTICS* 201, 201 (Norman K. Gottwald & Richard A. Horsley eds., rev. ed. 1983).

<sup>170</sup> *Id.* at 208.

<sup>171</sup> JOHNSON, *supra* note 17, at 207 (pointing out that the Spirit-involved concept of Christianity, especially pertaining to evangelization and mission, is a continuation of a theme from Luke, where all are filled with the Holy Spirit).

the Spirit is surely part of the guidance for Christians as they seek to ascertain whether and when to resist authority, per Acts 5, and when to submit.

Such discernment must always be in line with the overall themes of Scripture and God's will, of course, which seemingly emphasize both order and freedom simultaneously, both structure and creativity. Perhaps the real task of Christians is not to view this as a dichotomy, but rather to realize that the true promise of the Gospel lies in something more, in a realization that lies beyond mere compliance to state demands or rebellion against it. *This* is the eschatology of the Kingdom of God—it is an intervention, a breaking-in by God into the temporal world in a way that begins to establish the reign of God on earth, including through civil magistrates and governments. But it is also not yet fully here, and not yet fully realized, for the Kingdom remains to be revealed in all its fullness, and therefore the temporal realm remains imperfect and incomplete. Put differently, the New Testament recognizes the sinfulness of humans and points to the limitations of what can be realized in the political sphere while simultaneously remaining grounded in the confidence and hope that there is more than human sinfulness, for there are possibilities for restoration in God.<sup>172</sup>

Thus, it cannot and must not be a choice of one over the other for Christians. In the words of Charles Villa-Vicencio:

[T]o emphasize social stability at the cost of renewal in the light of God's impending kingdom or to insist on the indiscriminate dismissal of the existing social order in affirmation of God's eschatological kingdom is to form a novel and alien doctrine of church-state relations. The former constitutes the legitimation of the existing order, while the latter amounts to the legitimation of revolution.<sup>173</sup>

Neither is the proper biblical and theological reading.

Instead, there is a dialectic between stability and renewal. The church rightly rejects both tyranny and anarchy and "maintain[s] a stubborn and restless hope for something more

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<sup>172</sup> C. E. B. CRANFIELD, *THE SERVICE OF GOD* 49, 63–64 (1965).

<sup>173</sup> *BETWEEN CHRIST AND CAESAR*, *supra* note 9, at xviii–xix. He also states, "[B]oth social stability grounded in the common good of society and the continuing renewal of society in the light of God's impending kingdom constitute the basis of a viable political community. . . . [T]he partial, one-sided, or incomplete affirmation of these two emphases, when held with stubborn resolve, [is wrong]." *Id.* at xviii.

than what any existing socio-political order has been able to provide.”<sup>174</sup> As Karl Barth stated, that “something more” is the “[g]reat [p]ositive [p]ossibility” of the gospel—something that looks forward to and even promises the dawning of the kingdom of God on earth, even as it is not yet fully realized.<sup>175</sup>

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<sup>174</sup> *Id.* at xxi.

<sup>175</sup> KARL BARTH, *THE EPISTLE TO THE ROMANS* 493 (Edwyn C. Hoskyns trans., 7th ed. 1965).

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