

Not the Malicious or Profane

Isaac Watts (1674–1748)

Not the malicious or profane,
The wanton or the proud,
Nor thieves, nor sland’ers, shall obtain
Tue kingdom of our God.

Surprising grace! and such were we
By nature and by sin,
Heirs of immortal misery,
Unholy and unclean.

But we are washed in Jesus’ blood,
We’re pardoned through his name;
And the good Spirit of our God
Has sanctified our frame.

O for a persevering power
To keep thy just commands
We would defile our hearts no more,
No more pollute our hands.

ΤΩ ΚΡΟΝΟΥ ΚΑΙΡΩ

In the Nick of Time

Protests, Yes. Lawbreaking, NO!

Kevin T. Bauder

One of the blessings of living in the United States of America is freedom of speech. No American needs to ask permission to state his mind, whether in public or in private. This freedom is recognized as a fundamental right—the kind of right that the Declaration of Independence calls “inalienable.” What is an inalienable right? It is a right that stands on its own, a right of which no one can be deprived, and a right that no one can surrender.

The original text of the United States Constitution did not mention this right. That neglect was soon corrected, however, and the right to free speech was soon protected in the first listing of ten amendments known as the Bill of Rights. The right to free speech is specifically protected by the First Amendment. It is worth noting that the Bill of Rights is *not* a grant of rights. It is a recognition and legal protection of rights that already exist.

The limitations upon this right are few. Obscene speech is not protected. Libel is not protected. Neither is speech that creates what Chief Justice Holmes called a “clear and present danger” —specifically, speech that is directed toward and likely to incite imminent lawless action. In other words, protests are protected speech. Incitement to riot is not. Riots themselves are certainly not.

Americans have a tradition of protest speech that dates from before the time the colonies united as states. On December 16, 1773, sixty Sons of Liberty disguised themselves as Indians (their term) and heaved some forty-six tons of tea into Boston Harbor. Whether or not the Tea Act was an unjust law, and whether or not the Boston Tea Party was a moral protest, one thing is clear—protest is not new in America.

To be clear, however, no justified protest can ever breach a just law—not even for the purpose of protesting an unjust act. For example, laws that permit abortions on demand are evil laws. Christians can rightly protest these laws and seek to change them. They might even choose to protest abortion clinics. If they do, however, they must respect the property rights of those clinics. Laws that protect property are just laws, even when they protect unjust people. To undermine property law is to undermine something fundamental to human life and liberty.



The principle is simple: no one can live without property. If someone deprives you of all possessions (clothing, shelter, food, and the means to obtain them), you will die. Whoever can deprive you of property can deprive you of life. It is no accident that “Thou shalt not steal” is a fundamental moral law.

Consequently, when protestors commit trespass or seize a building, they become renegades. They are answerable for breaching just laws. The same is true of protestors that block public streets and hinder traffic: access and egress is part of the means to obtain property. If the street leads to a hospital or some other essential service, then access and egress may even be immediately critical to life.

Certain perspectives commonly distinguish violent from non-violent protests. This distinction, however, hardly matters; it is nearly meaningless. When a just law is breached, the difference between violence and non-violence is at most one of degree. The correct distinction is between protests that respect just laws and protests that breach them. If a protest breaches just laws, then it is really in the same class as a violent protest or a riot.

Liberty rests upon order, and when order collapses, liberty topples. The fundamental duty of all civil authority is to maintain good order and to execute retribution upon those who rupture it. The Bible makes this point all the way from Genesis 9:6 to 1 Peter 2:14, but it would still be true even if we had no Bible. Nothing is worse or more destructive to liberty than anarchy—even when it masquerades as anti-Fascism.

How should the state respond to violence? How should authorities react to people who run wild, burning buildings and looting property? The only right answer is that the civil authority “beareth not the sword in vain” (Rom 13:4). Governments are within their biblical boundaries to suppress violence with violence. If the police cannot or will not maintain order, then the military must.

This principle also applies to supposedly “non-violent” protests that transgress just laws—including property and trespass laws. The fact that protestors are unarmed does not mean that they have the right to intimidate the innocent or to stem the normal flow of normal human liberty. Where just laws are breached, government has a primary duty to intervene.

Rage is not protest. Riot is not protest. Plunder is not protest. Trespass is not protest. The business of government is to stop people from engaging in such behaviors as a form of protest. Officials who cannot understand this simple truth need to be removed from office as swiftly as possible.

I believe strongly in the right to protest. In fact, this essay is an exercise in that right. What I deny is the right to breach just laws. I may be on your side in whatever you happen to be protesting (certainly the case with abortion),

but the moment you violate a just law, you will lose my support. In fact, I will cheer when the government meets you with whatever level of force is necessary to halt your infraction and to restore order.

The state of Minnesota understands these principles. In the city of Robbinsdale, less than three miles from my home, is an abortion clinic. By law, protestors are prohibited from trespassing on clinic property. By court order, they must maintain a specified distance from the clinic. This law is rigorously enforced. I am grateful to live in a state where even non-violent protests are held in check.

Right?



This essay is by Kevin T. Bauder, Research Professor of Systematic Theology at Central Baptist Theological Seminary. Not every one of the professors, students, or alumni of Central Seminary necessarily agrees with every opinion that it expresses.
