

**Kopel, God & Gun Control; Francis, Passive & Active Resistance**

First, the article by:

**Kopel, David B. “Does God Believe in Gun Control?” *Chronicles*. April 1996, pp. 43-45:**

Finally, this addendum to our study of the 2<sup>nd</sup> Amendment from the viewpoint of the original intent of our Founding Fathers. We discovered from our study that the primary concern of our forefathers was a central government which had at its disposal a standing army and navy. The fear of tyranny ran deep in the psyche of those who had just extricated themselves from the draconian hand of George III. They insisted on the constitutional enumeration of the right to keep and bear arms as an ever-present reminder to the central government that the people would forever be armed against any would-be tyrant who might gain control of federal military might.

The question which arises for us is this: could there ever be a time when we, not only as citizens but as Christians, should ever take up arms against our own government and/or its military forces or its multilayered federal policing agencies? If so, what would define the terms of that rebellion? And finally, in what context would a justified resistance to duly appointed authority occur?

I believe these questions are answered in this month's issue of *Chronicles* magazine by one of the best journalists writing today. His name is Samuel Francis whose monthly *Chronicles* column is entitled “*Principalities & Powers*.”

The title of this month's article is “*First Things Last*.” *First Things* is the title of a monthly journal founded and edited by Father Richard John Neuhaus. Father Neuhaus is a neoconservative while Mr. Francis is a paleoconservative.

The differences between the two are very important if we are to bring order out of the confusion typical within today's social, political, and cultural discussions. For starters, a neoconservative is not what one would accurately call an adherent to traditional standards or a proponent of a strict interpretation and application of the Constitution.

Neoconservatives define their conservatism by being anti-abortion, anti-euthanasia, anti-homosexual, and anti-other hot-button moral issues. If laws are passed which prohibit these behaviors from occurring then they are content to live with the current abuses of constitutional law which have led to the infringement of our freedoms.

On the other hand, the paleoconservative view is that history is moving in the wrong direction. One of its basic assumptions is that something in America, the West, and the Modern Age has gone terribly wrong.

Neoconservatives view constitutional decline as having begun with *Roe v. Wade*. Paleoconservatives believe for example that the courts have been abusing the Constitution and handing down illicit commands to the states for over 50 years. The principles upon which the current trends are founded were developed in the '50s by the Earl Warren Court. FDR's New Deal Court of the '30s and '40s laid the groundwork for most of the welfare mentality which fuels the moral mindlessness of the '90s.

The Johnny-come-lately neoconservatives did not become exercised until certain religious dogmas were challenged by the liberals' abuse of the Constitution. They stress three or four issues of a religious, cultural bent which violate their self-righteous views of how the American government should act and the American people should behave.

Unfortunately, the neoconservatives are now preparing themselves for an aggressive and offensive assault against governmental authority on these issues. Francis confronts this notion and puts the concept of civil disobedience into a proper and objective nutshell which we would be well advised to examine and then commit to long-term memory traces. I quote excerpts from his column.

**Francis, Samuel. “Principalities & Powers: First Things Last.” *Chronicles*. March 1997, pp. 32–34:**

The November issue of the neoconservative journal *First Things* published a collection of essays that tried to raise some serious questions about the future of American government. Father Richard John Neuhaus and his colleagues have long been preoccupied with the role of religion in public life and more particularly with such issues as abortion, euthanasia, and sexual morality. The November symposium concerned itself with these very subjects but in a way which was distinctively out of character for neoconservatives.

As Neuhaus phrased in his introduction, “*The question here explored, in full awareness of its far-reaching consequences, is whether we have reached or are reaching the point where conscientious citizens can no longer give moral assent to the existing regime.*” The general conclusion of the symposium is yes, we are reaching that point, and the closer we get to it, the more seriously we have to address the next question, what are we supposed to do about it?

Neoconservatism is fundamentally a defense of the status quo, a political formula with which the dominant left can be content. When the neocons at *First Things* arrive at the conclusion that something really is wrong in America, and when they start muttering about the possible “*illegitimacy of the regime*,” then, what they are driving toward is something very close to paleoconservatism.

Yet, to be sure, a good deal of the discussion of “*legitimacy*” in the *First Things* symposium is careless, if not outright ignorant, of elementary political theory. In the first place, the whole symposium is couched in terms of the Henry David Thoreau-William Lloyd Garrison-Martin Luther King concept of legitimacy. They have a concept of legitimacy whereby any deviation of the political order from a privately perceived and vaguely defined “*higher law*” or “*dictate of conscience*” justifies disobedience, if not outright resistance.

Most of them seem to be unaware that in classical political philosophy, such subjective standards for resistance are impermissible.

Classical as well as traditional Christian political theory holds that disobedience is incumbent on the subject only when the regime commands him to violate generally known and accepted divine, natural, or human law.

Instances of such passive disobedience are known in both history and literature:

- a. Socrates, commanded by the Thirty Tyrants to commit murder, simply ignored their order and went home;
- b. Antigone, in Sophocles’ tragedy, insisted on obeying the divine law of burying her brother, despite Creon’s explicit command not to do so;
- c. Sir Thomas More, commanded to take the Oath of Supremacy to Henry VIII, refused and was executed; and
- d. in our own time one might cite the example of Private Michael New, who, ordered to wear a foreign military uniform, refused to obey on the grounds that doing so would violate his own oath of loyalty to the U.S. Constitution.

In none of these cases did any of the principals maunder about the “*legitimacy of the regime*,” try to instigate general disobedience, or seek to raise rebellion against it.

In all of them they did what they believed God and law commanded and refused to violate those commands at the behest of earthly powers, and all of them were willing to pay the price of their disobedience.

As More himself put it on the scaffold, “*I die the King’s good servant—but God’s first.*”

Today, no one is commanded to have or perform an abortion or to suffer or perform euthanasia.

The laws to which the First Things symposiasts object are permissive, not compulsive, and how one might “*resist*” such permissive laws are never clear.

By embracing the subjectivist doctrine of disobedience of Garrison and King, the First Things contributors come very close to embracing the very dangerous logic of that position.

Once you decide that the state does not conform to the “*higher law*” as revealed to your own conscience and that you have the duty to make it conform, then there is no limit to how far you will go.

Finally, for all the tremulous insinuation of desperate deeds in the Neuhaus symposium, none of the contributors bothers to explore very seriously the obvious legal and political remedies for the woes of which they complain.

Their stumbling perception that something is wrong is welcome, but to tell the truth it's just a few decades too late.