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## POLEMICS & EXCHANGES

### On Life and Law

Aaron D. Wolf's condemnation of civil disobedience by pro-life activists (*Cultural Revolutions*, October) strikes me as a classic case of sloppy thinking, characterized by what Hannah Arendt called the inability to grasp elementary distinctions.

Wolf's sweeping denial that one may break the law even for a good cause is not good law. There exists in common law something called the defense of necessity. For the achievement of a great enough good or the avoidance of a great enough evil, one may legitimately disobey laws bearing on matters of less importance—for instance, one may disobey laws against trespassing in order to rescue someone from a burning house. Pro-lifers have argued for years that, in violating laws protecting the private property of abortion clinic operators in order to save human lives, they are committing no crime. (Needless to say, our corrupt courts generally will not permit this defense even to be offered.)

Furthermore, if a supposed law is in violation of the natural law and hence of the law of God, it is not a law at all and has no binding power on the conscience of the citizen. Human law, in order to be binding, must be grounded in, or at least consistent with, the natural law. We are not only permitted to disobey a law which fails to meet this condition but may even be required by conscience to do so, as Pope John Paul II made clear in his encyclical *Evangelium Vitae*:

Laws which authorize and promote abortion and euthanasia are therefore radically opposed not only to the good of the individual but also to the common good; as such they are completely lacking in authentic juridical validity. Disregard for the right to life, precisely because it leads to the killing of the person whom society exists to serve, is what most directly conflicts with the possibility of achieving the common good. Consequently, a civil law authorizing abortion or euthanasia ceases by that very fact to be a true, morally binding civil law.

Abortion and euthanasia are thus crimes which no human law can

claim to legitimize. There is no obligation in conscience to obey such laws; instead there is a *grave and clear obligation to oppose them by conscientious objection*.

Laws permitting the murder of the innocent certainly fall in this category. An abortuary is an enterprise which, strictly speaking, has no right to exist, and those who attempt to interfere with its activities are simply doing their duty as citizens in upholding the laws, given the refusal of the civil authorities to do so.

There are also serious problems with Wolf's claim that only the state, operating through the executive branch, has the authority to stop the hand of a murderer (even self-defense being permitted only where it is one's own life or that of a family member which is in danger). On the contrary, anyone who witnesses an attempt on the life of an innocent person has a right (maybe even an obligation) to intervene if possible. I would go beyond this, however, to argue that we are dealing today with a situation where civil authority is, strictly speaking, absent. The only effective civil authority exercising power in America today is the central government in Washington, a government which succeeded the federal government established by the Founding Fathers. The present central government is operating largely on usurped powers not granted to the original federal government by the Constitution; hence it is an illegal government. It has *de facto* but not *de jure* sovereignty. In fact, it is not so much a government as an organized crime syndicate which has succeeded in getting control of a nation. This "government" has no authority to permit abortion, and hence actions to that effect on its part are null and void, and citizens have both the right and the duty to resist those actions by disobeying the edicts of such a "state."

One final point: Wolf applies the term "pornography" to the display, by pro-lifers, of such things as pictures of mangled, aborted babies. But when you are dealing with people who have psychologically walled themselves off from rational argument (feminists, for instance) the only hope of reaching them is at the gut level. Images like this have the goal of shocking people into awareness of the reality, and the horror, of what they are doing or per-

mitting. That is why, at the end of World War II, General Eisenhower insisted on forcing Germans living in the vicinity of the death camps to tour those establishments. No amount of argument against Nazi racist theorizing could really substitute, under the circumstances, for the sight and smell of those emaciated corpses stacked up all over the place. What appalls me is not that pro-lifers persist in displaying comparable images, but that the very media which have no qualms about showing us the mangled corpses of people brutally murdered in places like Kosovo and Rwanda refuse to show pictures of aborted babies on grounds that these would be too disturbing to people, when in fact they are disturbing primarily to the nearly deadened consciences of our liberal elites.

I find it quite surprising to encounter this kind of legal positivism (and statism) in a generally sound publication like *Chronicles*. Wolf's appeal to the "rule of law" is highly inappropriate in the current situation, where we live, not under the rule of law, but under a reign of institutionalized lawlessness. It is our government which is guilty of taking the law into its own hands, not those citizens who resist official lawlessness.

—George A. Kendall  
Grand Marais, MI

## Mr. Wolf Replies:

Mr. Kendall's critique of my article can be distilled into the following argument: Some forms of civil disobedience are justifiable if they go against positive laws that contradict natural law. The pro-life movement engages in civil disobedience; therefore, its actions are justifiable.

In defense of his first postulate, he cites Pope John Paul II's words in *Evangelium Vitae*, and this Missouri-Synod Lutheran, in short, doth not protest. Indeed, as a Lutheran, I know that civil disobedience is sometimes necessary—under the authority of a "lesser magistrate" and not as individuals—as was the case for my evangelical forebears during the Reformation.

However, it is "sloppy thinking" to assume that the type of lawlessness exhibited by the pro-life movement is justifiable civil disobedience.

Which law is it that we, as individual Christians opposed to the barbaric practice of elective abortion, should disobey?

Is there a law that requires Mr. Kendall's wife to have an abortion? No such law exists in America. The argument made by the Pope only applies to places like China, where women are forced to have abortions. No one is required by God or the United States government to *obey* a law that demands the murder of the innocent. Pro-lifers, however, trespass on abortuary grounds, display dirty pictures, and talk in mixed company about feti and placenta in an effort to thwart the immoral but legal killing of other people's unborn children.

Mr. Kendall then switches gears and raises the charge of "statism," chastising me for my assertion that "stopping the hands of a murderer is in the power of the executive branch." He suggests that I would relieve citizens of their duty to protect the innocent lives of those outside their own households. He implies that this duty is an element of self-defense.

But God gives His Church the power to forgive sins, and He gives kings—or civil governments who "bear not the sword in vain"—the power to restrain evil. Theologians largely have agreed that the clergy should not take positions as civil authorities because the two spheres should not be confused. God does not give the power of the sword to individuals as individuals. To deny this is to take yet another step toward statism—or anarchy. Pro-lifers, on the other hand, tend to take the view, "End abortion—right or wrong." Should we undermine the basis of civil society in order to stop abortions from occurring? Should we commit evil in order that good may come?

The pornographic display of the dead children of pagans is necessary, argues Mr. Kendall, because shocking people (and feminists) is the only effective means of communication. Ike and Hannah Arendt notwithstanding, this propagandistic approach to the communication of truth has greatly contributed to the creation of the slough of despond in which we now live. I remember the despair that grew within me when I attended our local "right to life" meetings. We talked about the next bill that *might* be signed by President Bush if it first passed through the Democrat-dominated Congress. We went over the specifics for the next protest at our local abortuary. We sought volunteers to man our "stages of fetal development" booth at the county fair. We made "Abortion Kills Children" signs for passersby to read at the annual

Life Chain.

What did we expect to accomplish? Do individuals absorb the complex moral and theological truths necessary to obey God, respect life, and deplore murder by reading slogans and viewing disgusting pictures? No. Is Christendom reestablished through constitutional amendments? No. Christian civilization grows through families, churches, neighborhoods, and communities enraptured by the Gospel. If families and churches forsake the Gospel for social crusades in other people's neighborhoods, Christian civilization will erode. Overturn *Roe v. Wade* (a worthy goal), and states filled with sensitive, suburbanite Christians will be as much salt and light as they are right now. Transform our churches, communities, and families, and you just might turn the world upside down.

But today's Christian citizen of the world seems to be enraptured by Uncle Screwtape's advice to young Wormwood:

The great thing is to direct [his] malice to his immediate neighbours whom he meets every day and to thrust his benevolence out to the remote circumference, to people he does not know. There is no good at all in inflaming his hatred of Germans if, at the same time, a pernicious habit of charity is growing up between him and his mother, his employer, and the man he meets on the train.

Our second century forebears did not fall prey to this satanic diversion when they took in exposed infants and reared them in their own households. If only the early Christians had not wasted their time converting pagans, they might have marched on Rome, carrying signs that read "Exposure Kills Children."

Save a Stamp!  
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**ALEKSANDR LEBED**, governor of the vast Krasnoyarsk region of Siberia, shrugged off rumors circulating in late September that an ailing Boris Yeltsin would appoint the populist “combat general” as premier and then resign, leaving Lebed as acting president. The Krasnoyarsk governor claimed that the time may come when he will be “needed” to “clean up” Yeltsin’s “mess,” and he did agree that ex-presidents should be guaranteed a quiet retirement (otherwise they “cling to power tooth and nail”), but the “governor general” doubts that even the persuasive Tatyana Dyachenko—Yeltsin’s daughter and *de facto* chief of staff, widely believed to favor such a scenario—could persuade “Boris I” that it is time to go. Yeltsin, Lebed claimed, would hang on to power “as long as he has two brain cells to rub together.” “The game,” Lebed intoned in his unmistakable bass growl, “will go on.”

That may be, but a sick and incoherent Yeltsin (at summer’s end, Moscow was rife with rumors that his health had taken a turn for the worse) just might be forced to step down, either by members of his entourage (“the family”) hoping to save their own skins or by the Federation Council, Russia’s upper house of parliament composed of regional leaders, who are flexing their growing political muscle. The question on the minds of Moscow’s elites is just who will step in if the “guarantor of democracy,” implicated in the recent spate of corruption scandals, should be forced out. “Plan B” (for Berezovsky, the Yeltsin Kremlin’s answer to Rasputin), which under the rash of terrorist attacks in September and the deepening crisis in the North Caucasus, where Russian troops are combating the Islamic hordes of Chechen “field commander” Shamil Basayev, could be used as pretexts for imposing a state of emergency and calling off upcoming elections, has not been implemented. Meanwhile, the Kremlin’s worst fears have been realized.

First, Yevgeni Primakov, perhaps the only public figure apart from Lebed who has not been tainted by credible corruption charges, agreed to re-enter politics, forming an uneasy political alliance with Moscow Mayor Yuri Luzhkov. The Primakov-Luzhkov block, “Fatherland-All Russia” (OVR), appears poised to challenge the Communists for the dominant

position in the third post-communist Duma, slated for election in December. Primakov, whose ties to the “special services” are common knowledge within the Moscow ring road, is also the likely source of *kompromat* (“compromising material”) circulating in reports both East and West on Kremlin corruption. The “family” is justifiably concerned about its post-Yeltsin future.

The second monkeywrench thrown into the Kremlin’s plan was Lebed’s refusal to sign up with “Unity” (also known as *medved*, “Bear”), a newly minted political movement made up overwhelmingly of governors from “have not” regions resentful of the capital—and its mayor—and equally resentful of the “national republics,” those Russian Federation components based on non-Russian (mostly Muslim) nationalities, who are not too enthusiastic about ongoing punitive strikes on terrorist camps within the rebel Chechen republic. It just so happens that most of the “national republics” have lined up with OVR. Berezovsky, displaying the political insight he is justly known for, has been quietly—make that very quietly, since any public role in Unity’s formation would scuttle the plan at the outset—lining up governors with a reputation as earthy *muzhiki* (“peasants”; in this context, the word conveys the image of a hardheaded “man of the soil” or “man’s man”) to form an effective counterweight to OVR, a counterweight that would harness the anger of Russia’s vast number of disenchanted “protest voters.” Berezovsky could then make a deal with Unity leaders to save the Kremlin court’s hash in return for megabucks and media coverage to boost Unity into the political driver’s seat. Very clever. But the plan hinged on *muzhik* number one, Aleksandr Lebed, signing on as the movement’s leader. No dice. Lebed, a solitary man of action who is the very essence of earthy Russianness, will go it alone, building his political reputation on the numerous cracked heads of Krasnoyarsk thugs. Thus the talk of Dyachenko fishing for a limited deal to save papa, perhaps involving Lebed, if Primakov will not come to terms. The deal may yet come off—if the Federation Council, that is, does not pre-empt it by forcing Yeltsin out. Russia could do much worse than a Lebed-headed *junta* dedicated to crushing the Russian mafia, stabilizing

the Caucasus, and making Russia semi-safe for business.

— Denis Petrov

**BRITAIN’S DEFENSE POLICY** prohibiting homosexuals from serving in the armed forces was recently struck down by the European Court of Human Rights (ECHR). Formed in 1959 to enforce the United Nations’ Universal Declaration of Human Rights, the ECHR is a creature of the 41-nation Council of Europe. The court’s authority comes from the European Convention on Human Rights, a treaty under which the signatory nations have agreed to “undertake to abide by the final judgment of the Court in any case.” The enforcement of the court’s decisions is delegated to the Council’s Committee of Ministers.

The cases dealing with the British military pitted the Ministry of Defence’s policy declaring homosexuality to be “incompatible with service in the armed forces” against Article 8 of the Convention, which secures the “right to respect for private and family life.” The cases heard by the ECHR were originally reviewed in the British appellate system, and the military’s prohibition against homosexuality was upheld under a deferential “rational basis” standard. As one British judge phrased it: “the court may not interfere with the exercise of administrative discretion . . . save where the court is satisfied the decision is unreasonable.”

The European Court of Human Rights, however, used a stricter standard in its review. The ECHR asked whether the policy was “necessary in a democratic society.” In linking necessity and democracy, the ECHR averred that the “hallmarks of the latter [include] pluralism, tolerance, and broadmindedness.” After constructing this liberal trinity, the court cast aside the Ministry of Defence’s arguments that the ban on homosexuals was necessary to foster unit cohesion, avoid disruption, and provide soldiers living in close quarters a modicum of privacy. The ECHR belittled the ministry’s studies on the attitudes of service members towards homosexuality as “represent[ing] a predisposed bias on the part of a heterosexual majority against a homosexual minority.” Such a comment explains why the court’s trinity of democracy does not include majority rule.