

When Christians Should/Could Sue

By: Ruth A.M. Ross*

Introduction

Frequently, the question is asked, "As a Christian, is it right for me to go to court, file a lawsuit, or seek a judicial remedy?" Alternatively, "In today's modern age, is it realistic to go through life by simply 'turning the other cheek'?"

Conflict is inevitable because God has created us differently, with individual capacities to think, react and respond. Unresolved and prolonged conflict within church congregations or between Christians is particularly troubling because we should be known "by our love for one another" (1John 3:11; 4:7).

According to Scripture in 1 Corinthians 6:1-11, a Christian suing another Christian is "already a defeat." It appears from this text that Paul is speaking specifically to Christians, as opposed to non-Christians, as he refers to such words as "believer" and "brother" and not going to court before the "unrighteous". Paul recommends that we take our disputes before "the saints" or wise believers who are in a better position to render a judgment. Recognizing the scandal caused by litigating Christians, as well as the devastation to the Christian witness, Paul says it would be far better to accept wrong than go before unbelievers to resolve a dispute.

Some may contend that this passage also limits lawsuits against unbelievers. However, the clear reference to "brother going to law against another" rules out such a conclusion. Certainly, there may be reasons why a Christian would decide not to sue a non-Christian and some of these will be examined below.

Civil courts have been established to settle disputes between parties who cannot resolve them on their own. While the courts do their best, many disputes arise from basic issues of sin or wrongdoing in the heart of mankind which secular courts are ill-equipped to address. Christians are not immune from these struggles, and often cannot find a solution to the root cause of their disputes. These heart issues are best ministered to by the church, as God ordained it. Thus, Paul's unambiguous admonition is to take these disputes before the "righteous".

The early church took Paul's instructions seriously and appointed their own elders to judge civil disputes between their members. Such first-century "courts" apparently gained such a strong

reputation that they attracted non-Christians, and ultimately were considered the most important courts in Europe for six centuries.

Is it ever alright for a Christian to sue another Christian?

Christians often disagree over how to apply this passage of Scripture (*1 Corinthians 6:1-11*). We cannot state categorically that this passage rules out all lawsuits between Christians today. Reality dictates that there will be times when Christians will be involved in law suits, either at their institution or because they have been sued. While no one enjoys the conflict of court proceedings, in some cases it may be necessary. However, before commencing legal action, it is recommended that a number of conditions be met.

Most importantly, Christians should exhaust all available recourse using Biblical methods through the church or other avenues of peacemaking. While Jesus praised peacemakers (Matthew 5:9), the Gospels record little of His teachings about the practical means to accomplish it. Scripture instructs that believers are to resolve their disputes according to Matthew 18:15-20. In fact, this is the only scriptural passage setting out a procedure to be followed in attempting to resolve disputes. Where necessary, it carries the responsibility of initiating peace by meeting face-to-face to communicate openly, discuss differences honestly and genuinely listen to one another's views. In so doing, it may be necessary to seek out counselors or mediators to assist in reconciliation. This should in most cases bring resolution.

It may be possible to have your church leaders arrange a meeting with your adversary (or his/her church leaders) to resolve the dispute. Both parties may choose to appoint a third person or persons and agree to be bound by the decision of such person(s). Where the matter involves physical or sexual abuse, parties should consider involving the police or the courts from the outset and where appropriate, concurrently with the church. Because of the complexities of most disputes, the potential for imbalance of power, and the need for independent legal advice, parties would be well advised to include a Christian lawyer in the process.

Ultimately, the dispute may find its way into the hands of lawyers, with or without your sanction and notwithstanding your best efforts to resolve the issue. Many lawyers will recommend alternative forms of dispute resolution (ADR) rather than proceed with a law suit. This is discussed extensively in an article being published concurrently by mediator and lawyer, Valerie A. Hazlett Parker, entitled, *Mediation: Creative Dispute Resolution*. Most contracts signed between Christians should include a clause requiring ADR to avoid potential law suits if a

disagreement arises. Most lawyers today are trained in mediation and alternative forms of dispute resolution including such models as Collaborative Law, especially in family matters.

Before proceeding to discuss other pre-conditions to litigation, it should be emphasized that some may call themselves Christians but may not qualify as a “believer” or “one among you” in accordance with 1 Corinthians 6. This may be because they have been removed from fellowship through internal church discipline, or because they refuse to come under church or appropriate spiritual authority. Such an offender may not qualify as a “believer” within the context of this passage which warns against going to court against such a person.

Other conditions and considerations before instituting a lawsuit:

Acknowledge how Christ has forgiven you and with that knowledge and in obedience to Christ, forgive your trespassers. Often lawsuits are commenced with the wrong motivation. Be careful it is not to seek revenge, and is provoked by a purpose greater than self-interest. (*Philippians 2:3-5; Matt. 6:11-15*)

Listen to the counsel of your church leaders and other wise spiritual overseers. Consider the advice of a Christian lawyer in weighing the issues and consequences of appropriate action. If your church leadership and wise spiritual counsel believe it is inappropriate to proceed, you would be well advised to discontinue (*Proverbs 11:14*).

Make sure your actions in pursuing the lawsuit are consistent with Scripture. Conversely, make sure Scripture does not forbid the action you plan to take (*Mark 10:11-12*).

If you are seeking to enforce a right, ***remember not all “rights” are Biblically based.*** Rather, in many instances, a Christian is taught to give up rights, go the extra mile, give his brother his tunic, and lay down his life for another. Ask yourself, “Will this action bring glory to God, help another, or advance God’s Kingdom in some way?” (*1 Corinthians. 10:23-33*)

Count the cost. Litigation can be very costly, not only in financial terms but in emotional, physical and spiritual terms as well. In the end, it takes its toll on more than just the main parties to the dispute. The ripple effect of protracted legal action impacts extended families, friends, and entire churches.

Weigh the importance of this matter in the light of eternity. If this will impact upon your witness or cause another to stumble, perhaps the Lord would ask you to suffer loss rather than proceed. (*Rom. 14:13; I Corinthians 10:23-33; 1 Tim. 4:12*)

Consider how you prefer to spend or invest your time. It is not uncommon for litigation to take years to resolve. Ask yourself, if you had only a limited time to live, how critical would it be to continue the lawsuit? (*Ps. 90:12*)

Explore alternate methods to settle the matter quickly with your adversary. As time passes, it often becomes more difficult to resolve conflict (*Matthew 5:25*).

Examine the attitude of your heart, and consider whether this is a process whereby God would show Himself strong and reveal His divine purposes through your suffering, rather than in the moment find personal satisfaction, clear your name or protect your reputation (*Philippians 2:3-11; 3:7-14; 1Peter 6-7*).

Consider your ways. Are they pleasing to the Lord, or is there a need to make amends, ask forgiveness or change your actions in order to defuse the dispute and heal the relationship? Following the right course of action may actually cause your enemy to be at peace with you (*Proverbs 16:7*).

Conclusion:

This has been an abbreviated attempt to discuss a very broad and complex topic, and like all good lawyers, it would be wise to end on a caveat. As each and every set of circumstances is unique, it would be impossible to address every appropriate response. You would be well advised to seek wise counsel, through a pastor, elder, Christian lawyer or Christian counselor.

God has called us to the ministry of reconciliation, and thus has called us to reconcile relationships by imitating Christ. We are to pursue peace and not selfish ambition (*Ps. 41:14; James 3:13-18*). Remember what Jesus said when he warned us not to be caught up with legal rules but to consider the more significant matters of the law – justice, mercy and faithfulness (*Matthew 23:23, Micah 6:8*). Remember your Christian heritage, the power of prayer, the promises of God to vindicate, and the Righteous Judge in Whom you put your trust (*Isaiah 54:17; 2Timothy 4:1-8*). Ultimately, consider the Greatest Advocate of all as your best example. In the end, only you can decide what the Lord requires of you.

References:

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