

May Christians go to court?

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Abstract

Some Christians hesitate to use the courts. Some hesitate all the more to go to court to defend their Christian activities, preaching, and churches. But extreme hesitation to use the courts is not prescribed by biblical injunctions. The apostles set an example by making significant use of the legal process, especially in relation to defending the right to preach the gospel and develop the church, though the example they set included being winsome in relation to the gospel during public conflicts. Jesus' famous statements in the Sermon on the Mount address the problem of revenge and personal retaliation; they do not contradict the example of the apostles.

Keywords Ethics, Christian, justice, court, law, Apostles, Paul, Jesus.

1. The Apostles used the law!

When Peter (1 Peter 3:15-17) taught Christians to be ready to “give an answer” (Gk. *apologia*), this applied first of all in court; an *apologia* was the technical term for a speech for the defence before a court. Peter wanted Christians to expect to be accused so they would be motivated to get ready. Christians must maintain a clear conscience. In the event that they do evil, the state is the servant of God to lawfully punish all lawbreakers. But Christians should be ready to give an answer when they are accused of wrongdoing simply because of their faith.

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The Book of Acts reports several conflicts of the apostles with courts and judges. The record includes defences made by the apostles and evangelists in court, and in some cases the early Christians took legal initiatives to defend themselves and their churches. Nowhere is there a hint that they should have remained silent. When Peter and John were put in prison by the Sanhedrin (Acts 4:1-22), they answered the court. The same thing happened with the second arrest (Acts 5:27-42), though this infuriated the judge. The indictment, imprisonment, and stoning of Stephen are presented in detail (Acts 6:8-8:2); the longest speech in the New Testament is Stephen's defence before the court (Acts 7: 1-53).

It is not clear if Paul's words against the Jews (Acts 13:46-47) constituted a legal defence. In any case, Paul and Barnabas were driven away and moved to Iconium. In Philippi the Jews again instigated persecution, this time for financial reasons (Acts 16:16-40). After their supernatural release and the conversion of the jailer, Paul took legal initiative, using his rights as a citizen, to have their wrongful torture and confinement publicly retracted. No doubt he wanted the jailer and the newly started church to benefit from the protection of the law which should restrain persecution.

The last eight chapters of Acts recount Paul's unlawful arrest and his defence before Roman judges. Upon arrest in Jerusalem, the Jews beat Paul; they stopped when Roman soldiers intervened (Acts 21:27-32). Paul asked the officer for the opportunity to give a defence (Acts 21:37-39). His speech caused an uproar (Acts 22), such that the officer had Paul taken away. When Paul had been bound in preparation for a flogging, he called upon his rights as a Roman citizen, both to protect himself and to protect the reputation of the gospel: "Is it legal for you to flog a Roman citizen who hasn't even been found guilty?" (Acts 22:25; comp. 26-28). His legal appeal prevented the flogging, including the pain and injury that would result. On the following day, Paul wanted to begin his defence in front of the Sanhedrin (Acts 23:1). However, the High Priest had him struck on the mouth (Acts 23:2), whereupon Paul protested sharply, "God will strike you, you whitewashed wall! You sit there to judge me according to the law, yet you yourself violate the law by commanding that I be struck!" (Acts 23:3). On account of a murderous conspiracy, Paul was placed under the protection of hundreds of soldiers and brought to Caesarea to Roman Governor Felix with a letter explaining the situation (Acts 23:25-33). The legal seesaw among Felix, his successor Festus, and Herod Agrippa II is described in detail (Acts 24-26), whereby Paul's repeated defences play a central role. Since Paul might be taken back to Jerusalem, he used his legal right to appeal to the emperor (Acts 25:10-21). In the end, Agrippa said Paul could have been set free (Acts 26:32) had he not called upon the emperor. Perhaps Paul miscalculated how to best use the courts, but neither Paul nor any other New Testament preacher

is criticized in the Bible for using the courts and their legal rights to defend themselves, their preaching, and their churches.

2. Does Jesus teach us to waive legal rights?

“You have heard that it was said, ‘Eye for eye, and tooth for tooth.’ But I tell you, do not resist an evil person. If someone strikes you on the right cheek, turn to him the other also. And if someone wants to sue you and take your tunic, let him have your cloak as well. If someone forces you to go one mile, go with him two miles. Give to the one who asks you, and do not turn away from the one who wants to borrow from you” (Matthew 5:38-42).

Here Jesus quotes the *lex talionis* or *ius talionis*.³ However, Jesus is not contrasting the Old Testament’s “eye for eye, tooth for tooth” with New Testament love. The Pharisees and teachers of the law, whom Jesus was addressing, falsely derived a right of private revenge from this slogan which defined a principle of justice for the courts.⁴ In the Old Testament the state has the duty to practice justice and exercise vengeance. The legal tenet “eye for eye, tooth for tooth” (Exodus 21:23-25; Leviticus 24:19-21; Deuteronomy 19:21) was never intended for personal relationships. Instead, the *lex talionis*: 1) expresses pointedly that every wrongdoing deserves just punishment; 2) it is also restrictive, that the penalty may never be more weighty than the deed (proportionality); and 3) it was not generally employed in a literal fashion, such that someone would have lost an eye or tooth.⁵ For the life of an animal, for example, one had to make restitution with another animal or like consideration.

Legal justice is not rescinded in the New Testament. In Romans 13:4 the authorities remain “God’s servant, an agent of wrath to bring punishment on the wrongdoer.” The authorities have this task, although Paul later repeats the commandment to love (Romans 13:8-10). The state must still administer justice without respect of persons. In the Sermon on the Mount, Jesus did not reduce this duty of the state. He reaffirmed the historic duties of the state by mentioning judges, officers, prisons, and a law suit (Matthew 5:25-40).

The statement in Matthew 5:39 to “not resist an evil person” can be misunderstood to mean that Christians are not ever to defend themselves against evil. But not every type of evil is meant; otherwise Christians could not even resist the evil inside.

³ Latin, *lex* = law; *ius* = justice; *talio* = retribution.

⁴ Eugen Hühn, *Die alttestamentlichen Citate und Reminiscenzen im Neuen Testament* (Tübingen: J. C. B. Mohr, 1900), pp. 8-9. Hühn demonstrated that the Pharisees incorrectly took a judgment made by a judge and conferred it upon private life; he also demonstrated that at the beginning of the section Jesus was not actually quoting the Old Testament but rather the interpretation of the Pharisees.

⁵ Walter C. Kaiser, *Toward Old Testament Ethics* (Grand Rapids: Zondervan, 1983), pp. 72-73.

It has to do with the particular evil described in Matthew 5:39-41. This is evil in the form of insults and coercion. To be hit on “the right cheek” was an enormous affront which can easily rouse people to seek vengeance. Instead, a Christian should let himself be insulted a second time rather than seeking revenge, a most powerful way of ending cycles of retaliation.

Already in the Old Testament personal revenge was not allowed. “Do not seek revenge . . . but love your neighbour as yourself” (Leviticus 19:18). Therefore, David did not kill Saul in spite of the injustice suffered and in spite of the favourable opportunities he had (1 Samuel 24:4-8; 1 Samuel 26:7-12). It was considered a virtue to pacify one’s enemy in the case of a dispute (Proverbs 15:18) and to achieve reconciliation prior to a lawsuit (Proverbs 17:14). The Old Testament saints knew one should not repay evil with evil (Proverbs 20:22). Jesus taught what the Old Testament taught, that justice and revenge are the duty of the state, while our personal relationships must be free from all revenge or retaliation.

3. Complementary principles

God-fearing people should seek to follow two complementary principles: 1) The state has the duty of protecting people and avenging wrongs; therefore we may use the state and the courts to protect people and churches, including the open proclamation of the gospel. 2) Imitating Jesus, we must turn the other cheek and accept insults without any desire for personal revenge. Of course attempting arbitration, mediation, and reconciliation are biblical and should always be prior to any course of action that involves courts. And our readiness to receive the short end of the stick should be obvious. But reason demands that we be clear that going to court can be a responsible choice for Christians.



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