

Going to A Court of Law

By Dave DeWitt

We shall study this subject first from the Old Testament, then from the teachings of Christ, and third from the attitudes of the apostles.

The Mosaic Law

Originally, disputes were settled by family patriarchs. Apparently, they would gather at the city gates to settle inner family disputes (Deuteronomy 22:15, 24; Joshua 20:4; Ruth 4:1). But in the 1500s BC, the Mosaic Law established a court system in Israel for the purpose of applying and enforcing the Law of God.

- Deuteronomy 16:18—*You shall appoint for yourself judges and officers in all your towns which the LORD your God is giving you, according to your tribes, and they shall judge the people with righteous judgment.*
- Deuteronomy 17:8—*If any case is too difficult for you to decide, between one kind of homicide or another, between one kind of lawsuit or another, and between one kind of assault or another, being cases of dispute in your courts, then you shall arise and go up to the place which the LORD your God chooses.*
- Deuteronomy 17:9—*So you shall come to the Levitical priest or the judge who is in office in those days, and you shall inquire of them and they will declare to you the verdict in the case.*
- Deuteronomy 17:10—*“You shall do according to the terms of the verdict which they declare to you from that place which the LORD chooses; and you shall be careful to observe according to all that they teach you.*
- Deuteronomy 17:11—*According to the terms of the law which they teach you, and according to the verdict which they tell you, you shall do; you shall not turn aside from the word which they declare to you, to the right or the left.*
- Deuteronomy 17:12—*The man who acts presumptuously by not listening to the priest who stands there to serve the LORD your God, nor to the judge, that man shall die; thus you shall purge the evil from Israel.*

Several conclusions can be made from the Law concerning courts:

1. Israel was a nation of laws, to be enforced by law courts and judges appointed to make the judgments in those courts. So the idea of judges making judgments in courts of law is a biblical idea.
2. The concept of having lower courts and higher courts, where difficult decisions are passed up to a higher court is also a biblical idea.
3. Under the Mosaic Law, the Levite Priest (presumably the high priest) had the final decision in all legal matters. His decision was to be followed and enforced.
4. The courts were there to enforce the Law of God. Israel was a theocracy, where God made the law and gave it to His people through Moses. God did not tell the Israelites to submit to Egyptian courts or Babylonian courts. For example, both Daniel and his friends refused to submit to official rulings in Babylon when they violated the commands of God.

The Kings

After Israel established kings (in the 1100s BC), the kings seemed to become the final judge in all matters where he chose to be involved. Solomon (in the 900s BC) seemed to assume that part of his role as king was to be a judge. He prayed:

1 Kings 3:9—So give Your servant an understanding heart to judge Your people to discern between good and evil. For who is able to judge this great people of Yours?

After Solomon became king, we read:

1 Kings 7:7—He made the hall of the throne where he was to judge, the hall of judgment, and it was paneled with cedar from floor to floor.

It seems that Solomon assumed that he was to be the supreme court justice in all matters where he decided to be involved. This is illustrated beautifully in the incident of the women claiming the same child (1 Kings 3).

Ezra Established Courts and Appointed Judges

When Zerubbabel, Nehemiah, and Ezra returned to the land of Israel, after the Babylonian captivity (in the 400s BC), Zerubbabel rebuilt the temple, Nehemiah rebuilt the city, and Ezra was the priest. But Ezra was also a scribe, skilled in the Law of Moses. We read:

- *Ezra 7:1—Now after these things, in the reign of Artaxerxes king of Persia, there went up Ezra son of Seraiah, son of Azariah, son of Hilkiah.*
- *Ezra 7:6—This Ezra went up from Babylon, and he was a scribe skilled in the law of Moses, which the LORD God of Israel had given; and the king granted him all he requested because the hand of the LORD his God was upon him.*
- *Ezra 7:10—For Ezra had set his heart to study the law of the LORD and to practice it, and to teach His statutes and ordinances in Israel.*
- *Ezra 7:11—Now this is the copy of the decree which King Artaxerxes gave to Ezra the priest, the scribe, learned in the words of the commandments of the LORD and His statutes to Israel.*
- *Ezra 7:12—“Artaxerxes, king of kings, to Ezra the priest, the scribe of the law of the God of heaven, perfect peace.*
- *Ezra 7:25—You, Ezra, according to the wisdom of your God which is in your hand, appoint magistrates and judges that they may judge all the people who are in the province beyond the River, even all those who know the laws of your God; and you may teach anyone who is ignorant of them.*
- *Ezra 7:26—“Whoever will not observe the law of your God and the law of the king, let judgment be executed upon him strictly, whether for death or for banishment or for confiscation of goods or for imprisonment.”*

Here are a few observations about the courts at the time of Ezra:

1. Artaxerxes, king of Persia, instructed Ezra to set up civil courts with judges. So these were not just religious courts.
2. The assumption (of Artaxerxes and Ezra) was that these courts were to be part of a reestablished theocracy, with no separation between religion and state.

3. The judges of the courts were to be set up by Ezra because he was a scribe, who *had set his heart to study the law of the LORD and to practice it, and to teach His statutes and ordinances in Israel.*
 - The judges were to *judge all the people ... who know the laws of your God.* So the judges were not judging a secular population by religious laws but a religious population by their own laws.

The Teachings of Christ

During His ministry (in the 30s AD), Jesus had some significant things to say about courts and judges:

- Matthew 5:38-39—*You have heard that it was said, “An eye for an eye, and a tooth for a tooth.” But I say to you, “do not resist an evil person; but whoever slaps you on your right cheek, turn the other to him also.”*
- Matthew 5:40 *If anyone wants to sue you and take your shirt, let him have your coat also.*
- Luke 12:57—*And why do you not even on your own initiative judge what is right?*
- Luke 12:58—*For while you are going with your opponent to appear before the magistrate, on your way there make an effort to settle with him, so that he may not drag you before the judge, and the judge turn you over to the officer, and the officer throw you into prison.*
- Luke 12:59—*I say to you, you will not get out of there until you have paid the very last cent.*
- Luke 18:1—*Now He was telling them a parable to show that at all times they ought to pray and not to lose heart.*
- Luke 18:2—*saying, “In a certain city there was a judge who did not fear God and did not respect man.”*
- Luke 18:3—*There was a widow in that city, and she kept coming to him, saying, ‘Give me legal protection from my opponent.’*
- Luke 18:4—*For a while he was unwilling; but afterward he said to himself, ‘Even though I do not fear God nor respect man...’*
- Luke 18:5—*yet because this widow bothers me, I will give her legal protection, otherwise by continually coming she will wear me out.*

Here are a few gleanings from Christ’s teaching on the subject:

1. First, I shall ignore the point of the story in Luke 18 (which is persistence in prayer) and observe that courts still existed at the time of Christ. And apparently, the judges of those courts were not always just or fair or followers of the Mosaic Law. Also, some of these corrupt judges could be maneuvered into giving people what they wanted.
2. The main point Jesus makes about courts is: stay out of them. [Of course the real point Jesus is making is you do not want to face God in judgment.]
3. If someone forces you into court, Jesus’ advice is to settle outside of court, even if you are right, even if you are sure you will win, no matter how good you believe your case is. If you are forced into court by someone, your objective should not be to protect your material wealth. As we shall see below, Paul defended himself skillfully in court but not to defend his material wealth. Remember, Jesus’ perspective on wealth was:

Do not store up for yourselves treasures on earth, where moth and rust destroy, and where thieves break in and steal. But store up for yourselves treasures in heaven, where neither moth nor rust destroys, and where thieves do not break in or steal; for where your treasure is, there your heart will be also (Matthew 6:19-21).

4. One reason you should always avoid going to court is because the odds are you will lose in some way because we are all sinners, therefore, everybody is guilty of something.
5. Another reason to avoid courts comes from the Luke 18 story. Judges cannot be depended upon to make sound or reasonable or fair judgments.

The Apostle Peter and the Courts

The Apostle Peter gave us some discernment about law courts:

- 1 Peter 2:13—*Submit yourselves for the Lord’s sake to every human institution, whether to a king as the one in authority.*
- 1 Peter 2:14—*or to governors as sent by him for the punishment of evildoers and the praise of those who do right.*
- 1 Peter 2:15—*For such is the will of God that by doing right you may silence the ignorance of foolish men.*
- 1 Peter 2:16—*Act as free men, and do not use your freedom as a covering for evil, but use it as bondslaves of God.*
- 1 Peter 2:17—*Honor all people, love the brotherhood, fear God, honor the king.*
- Acts 4:19—*But Peter and John answered and said to them, “Whether it is right in the sight of God to give heed to you rather than to God, you be the judge.”*

Here is what I understand from Peter:

1. Law courts are a human institutions set up by God, and their judges are *authorities* established ... *for the punishment of evildoers*. (Paul agreed with this in Romans 13:1-5.)
2. Law courts are to be honored, but not feared. Only God is to be feared. The difference is: I decide what honor looks like, but fear is dictated by the one feared.
3. Law courts should be disobeyed when, and only when, they command us to disobey God.

The Apostle Paul and The Courts of Law

- Acts 22:25—*But when they stretched him out with thongs, Paul said to the centurion who was standing by, “Is it lawful for you to scourge a man who is a Roman and uncondemned?”*
- Acts 22:26—*When the centurion heard this, he went to the commander and told him, saying, “What are you about to do? For this man is a Roman.”*
- Acts 22:27—*The commander came and said to him, “Tell me, are you a Roman?” And he said, “Yes.”*
- Acts 22:28—*The commander answered, “I acquired this citizenship with a large sum of money.” And Paul said, “But I was actually born a citizen.”*
- Acts 22:29—*Therefore those who were about to examine him immediately let go of him; and the commander also was afraid when he found out that he was a Roman, and because he had put him in chains.*
- Acts 23:6—*But perceiving that one group were Sadducees and the other Pharisees, Paul began crying out in the Council, “Brethren, I am a Pharisee, a son of Pharisees; I am on trial for the hope and resurrection of the dead!”*
- Acts 23:7—*As he said this, there occurred a dissension between the Pharisees and Sadducees, and the assembly was divided.*
- Acts 23:8—*For the Sadducees say that there is no resurrection, nor an angel, nor a spirit, but the Pharisees acknowledge them all.*

- *Acts 23:9—And there occurred a great uproar; and some of the scribes of the Pharisaic party stood up and began to argue heatedly, saying, “We find nothing wrong with this man; suppose a spirit or an angel has spoken to him?”*
- *Acts 24:6—And he even tried to desecrate the temple; and then we arrested him. [We wanted to judge him according to our own Law.*
- *Acts 24:10—When the governor had nodded for him to speak, Paul responded: “Knowing that for many years you have been a judge to this nation, I cheerfully make my defense.”*
- *Acts 25:6—After he [Festus] had spent not more than eight or ten days among them, he went down to Caesarea, and on the next day he took his seat on the tribunal and ordered Paul to be brought.*
- *Acts 25:7—After Paul arrived, the Jews who had come down from Jerusalem stood around him, bringing many and serious charges against him which they could not prove.*
- *Acts 25:8—while Paul said in his own defense, “I have committed no offense either against the Law of the Jews or against the temple or against Caesar.”*
- *Acts 25:9—But Festus, wishing to do the Jews a favor, answered Paul and said, “Are you willing to go up to Jerusalem and stand trial before me on these charges?”*
- *Acts 25:10—But Paul said, “I am standing before Caesar’s tribunal, where I ought to be tried. I have done no wrong to the Jews, as you also very well know.”*
- *Acts 25:11—“If, then, I am a wrongdoer and have committed anything worthy of death, I do not refuse to die; but if none of those things is true of which these men accuse me, no one can hand me over to them. I appeal to Caesar.”*
- *1 Corinthians 6:1—Does any one of you, when he has a case against his neighbor, dare to go to law before the unrighteous and not before the saints?*
- *1 Corinthians 6:2—Or do you not know that the saints will judge the world? If the world is judged by you, are you not competent to constitute the smallest law courts?*
- *1 Corinthians 6:3—Do you not know that we will judge angels? How much more matters of this life?*
- *1 Corinthians 6:4—So if you have law courts dealing with matters of this life, do you appoint them as judges who are of no account in the church?*
- *1 Corinthians 6:5—I say this to your shame. Is it so, that there is not among you one wise man who will be able to decide between his brethren.*
- *1 Corinthians 6:6—but brother goes to law with brother, and that before unbelievers?*
- *1 Corinthians 6:7—Actually, then, it is already a defeat for you, that you have lawsuits with one another. Why not rather be wronged? Why not rather be defrauded?*
- *1 Corinthians 6:8—On the contrary, you yourselves wrong and defraud. You do this even to your brethren.*
- *1 Corinthians 6:9—Or do you not know that the unrighteous will not inherit the kingdom of God? Do not be deceived; neither fornicators, nor idolaters, nor adulterers, nor effeminate, nor homosexuals.*
- *1 Corinthians 6:10—nor thieves, nor the covetous, nor drunkards, nor revilers, nor swindlers, will inherit the kingdom of God.*

Here is what I learn from Paul about law courts:

1. When taken to court, make a reasonable, truthful defense, but do not expect that to bring about a favorable verdict. [In Caesarea, Paul made a truthful, reasonable defense. His opponents had no case at all. Yet he was in prison for two years.]

2. When taken to court, use the legal system to your advantage, and the advantage of the Gospel, when you are innocent of illegal charges or guilty of standing for the truth.
3. When taken to court, expect to lose, even when you are innocent and make a reasonable truthful case for your innocence. [When Paul was arrested and taken to court, he never escaped the legal system. He was in prison the rest of his life, except for a short time of release before he was rearrested and killed (2 Timothy 3:6-8).]
4. Never take a fellow believer in Christ to court to recoup losses in a civil suit. The reason is, the world has no discernment in spiritual matters, and Christian differences are to be spiritually (not just financially) discerned. If we have been wronged by a Christian brother or sister, we should either appeal to an intermediary Christian council, or suffer the loss. Any money loaned to a brother should always be considered a gift anyway. But:
 - This does not include corporate suits where, for example, a corporation refused to pay its bills or there is a dispute over who is responsible for the additional costs of a job. That's just part of doing business. Personal loans, where your goal is to help someone, is different from a business deal where both parties plan to profit. If you allow customers to not pay you, you will soon be out of business. When the payment affects the jobs of employees, then it must be collected. Personal loss should simply be accepted, but loss which impacts the well being of others, who you are responsible for, should be pursued.
 - As to the question: "What about claims against Christian companies?" there is no such thing as a "Christian company." Christians are individual people, not corporate structures. Corporations are just concepts we invent to help us do business. If the purpose or motive of going to court is personal, then the suit is unbiblical.
 - This would not include criminal cases. In such cases, we just co-operate with the law.

A Rational Argument

There are some rational arguments, as well, against taking someone to court.

1. Going to court forces us to make a case for how good or honorable or innocent we are. None of us are good or honorable or completely innocent. So going to court forces us to be less than truthful about ourselves and the situation. We (or our lawyers) never tell all the truth, and we tell it in such a way as to favor our case. We take an oath to tell the truth, the whole truth, and nothing but the truth. But in reality we don't do that, so we take an oath we (and our lawyers) do not keep.
2. Going to court is expensive. In many cases, it will cost more in legal fees than we will receive, even if we win. Actually, many people go to court anyway, because they hate their opponent, or want to prove they are right, more than they want the money.
3. Going to court demands, and drains you of, mental energy. You will spend hours thinking about your trial and what you will say. Thoughts about an upcoming trial will tend to penetrate every waking (and maybe sleeping) hour of the day. It will affect every area of your life, because it is always on your mind. It is one of the greatest wastes of mental energy.

Conclusion

Avoid going to court. It will focus your attention on yourself, drain your time, money, and energy, and you will lose (even if you win the case). Don't choose to go to court for anything individually. Don't appeal a traffic conviction. Don't go to court to get your money back, or your share of the inheritance, or to get revenge, or justice, or to prove you are right, or any such thing. Corporations may have to go to court to get paid or settle cost disputes, but treat it as business, don't make it personal. You may be forced into court for various reasons. If you are, speak (or ask your lawyer to

speak) in such a way as to tell the truth, make your case in a reasonable way, and expect to lose. Always settle outside of court, if at all possible.

The church relates to courts differently from Israel. Israel was a theocracy, where the purpose of the court was to uphold the Law of God. The church is not a territorial government. It is a global fellowship of brothers and sisters, living for God amidst a secular government. So the New Testament command is to submit to them, unless they tell you to disobey the Word of God. But avoid them, if at all possible, and do not go to them for decision-making.