

# To Sue or Not to Sue

The question of lawsuits comes up frequently in our business seminars, particularly during a recession time when a lot of people don't pay their bills. A study of this principle turns out to be a study on rights and motives.

Does a Christian have a right to sue another person? Obviously, lawsuits are a common matter today. The reasons range from emotional distress caused by a neighbor's barking dog to legitimate losses caused by faulty products or personal injuries suffered in an accident. Many lawsuits are simply blatant fraud for the purpose of personal profit. Certainly for Christians, those kinds of lawsuits must be regarded the same as stealing.

But what about the right to justifiable legal remedy? How should a believer respond when cheated by another individual or corporation? Does it make a difference whether or not the offender is a Christian? What if a Christian is sued? Is countersuit a justifiable defense? Obviously, these are questions that can only be answered in the light of God's Word.

## WHAT IS A LAWSUIT?

The purpose of a lawsuit is to provide someone who has suffered a loss at the hands of another party a legal means to recover the property or other damages from the offender. In practicality, it is one person's accusing another of an offense and requesting that a judge or jury make a decision about guilt or innocence and compensation.

Suing is certainly not a new concept. It is apparent from Paul's writing in 1

Corinthians 6 that lawsuits were common place in the first century. Unfortunately, suing today has become a first, rather than a last, recourse. As Christians, we must be able to discern what our rights are scripturally.

## PERSONAL LOSS

Many lawsuits are initiated because of personal loss suffered due to the negligence or deceit of another. A common example is defective merchandise. Most department stores have a return policy that helps avoid such conflicts, but what about those that do not? Do you have the right, as a Christian, to pursue such matters into the secular courts?

Since a corporation is a legal entity established to protect the owners, I can find no scriptural basis for not bringing suit against one for legitimate losses. A corporation is a court-established entity that has no humanity and thus may be compelled by law to accept its legal responsibilities. In the case of an insurance company, that is particularly evident. The purpose of an insurance company is to provide financial remedy for losses. Recourse for inequitable settlement rests in the law. In reality, the company has contractually bound itself to compensating a liability of a client.

That certainly does not imply that God cannot or will not change the actions of corporate officers—only that a corporation has no personal rights in scriptural terms. That is not to say that a Christian should sue a corporation. God may well convict someone to give up the right to sue for several reasons, not the least of which is to have a witness in the lives of

1. What is the purpose of a lawsuit?

2. Why are many lawsuits started?

3a) What is a corporation? give an example.

b) Should a corporation be sued? explain.

4. Explain the Biblical view of suing other believers. (ie steps to follow, purpose) (also see Matt 18)

5. Explain the Biblical view of suing non believers. (ie what should our attitude be?)

6. What should our response be to a criminal case?

7. What do you think is an allowable defense?

8. After reading this article would you sue someone? If so when?

the principals involved. Also, God wants us to learn the principle of giving up our rights, and this may be an exercise in yielding a right. The guideline in regard to a suit against a corporation has to be twofold: motive and personal conviction. We must be certain about both, and if we have any doubt, we should stop.

#### PERSONAL LAWSUITS

What are our rights and options when we have a legitimate case against another individual for a loss? First, let's address the best defined situation—one Christian against another. The principle covering this situation is found in 1 Corinthians 6. We are directed to take our case before true believers when a brother is involved.

*"Does any one of you, when he has a case against his neighbor, dare to go to law before the saints?"* (1 Corinthians 6:1).

The recourse provided when two Christians are involved is outlined in Matthew 18. The principle is simple: We are to take any offense directly to another believer. First, we are to see him alone, then with a witness, if necessary, and ultimately, we are to take him before the church. The purpose in every instance is for restoration in the faith, not collection. That procedure, if taken seriously, would certainly serve as a testimony to the unsaved. All too often, however, the witness is a negative one—first, because Christians ignore the admonition not to sue one another; and second, because the unsaved see our motives as self-centered. It is clearly a matter of giving up rights; something we would rather not do.

*"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 6:7).

I would like to be able to tell you that by giving up this right to sue, God will intervene to recover the material assets lost, but no such promise is made in God's Word. God may choose to do so—but He may also choose not to.

*"And someone in the crowd said to Him, 'Teacher, tell my brother to divide the family inheritance with me.' But He said to him, 'Man, who appointed Me a judge or arbiter over you?'"* (Luke 12:13-14).

#### SUING NONBELIEVERS

Since the direct implication of 1 Corinthians 6 is of one believer's suing another, what about suing nonbelievers? There are no direct references to suing a nonbeliever, but there are some very revealing, indirect references.

It is important to bear in mind that God's Word deals much more with our attitudes than with our actions. Many people have the right actions but the wrong attitudes. The Pharisees had many of the right actions but the wrong attitudes. When a Christian has the attitude towards others that God requires, most actions will change toward them.

*"Bearing with one another, and forgiving each other, whoever has a complaint against anyone; just as the Lord forgave you, so also should you"* (Colossians 3:13).

Above all, God's Word teaches us to surrender our rights, even to the unbeliever. That means literally to put others first, even when they are wrong.

*"Whoever hits you on the cheek, offer him the other also; and whoever takes away your coat, do not withhold your shirt from him either. Give to everyone who asks of you, and whoever takes away what is yours, do not demand it back"* (Luke 6:29-30).

That attitude can be very costly when you live in a society of opportunists. The result may be personal loss. A Christian

friend recently told me of an instance where someone cancelled a contract with him and flatly told him, "I know you won't sue me because you're a Christian." Once you've taken a stand for the Lord, it may well cost you materially. Not every believer is willing or ready to live by God's highest standard. But when the decision is solely ours and the loss is solely ours, the question becomes, "Do we really believe it all belongs to God?" Most human counsel will run contrary to God's perfect will. The fairness of the situation is of primary importance to the Lord.

#### ALLOWABLE DEFENSE?

A Christian asked about his scriptural right to defend himself when accused by someone else. His particular case involved a dispute over a real estate fee that the accuser said was due him. Everyone involved in the sale (broker, buyer, attorney) unanimously agreed that the claim was false. In fact, it was found that this individual had used the same ruse several times before. Many times the fee was paid just to avoid the inconvenience of a court battle. The question he asked was, "Can I and should I defend myself against an unjust claim?"

I believe the answer can be found in Paul's defense against unjust claims throughout the book of Acts (16:37; 22:25; 25:11). Paul did not attack his accusers,

nor did he attempt to extract any compensation from them. But he did vigorously defend himself against their claims, several times even reciting Roman law applicable to his case. As long as our motives are right and we are not seeking retribution, we can, and often should, defend the righteousness of our actions. In this particular case, the claim was dropped the day the case was to go to court. It was clear that the accuser knew he would lose.

#### RECOURSE FOR A CRIME

Although a believer is instructed not to sue another for personal loss, the same is not true for criminal action. By law a criminal act is committed against the whole of society. A Christian who has knowledge of a crime is obligated to report that crime and allow the law to respond. The only exception would be when the law is in conflict with God's Word. As Peter stated in Acts 5:29, "We must obey God rather than men." It may also be necessary to testify in court as a witness.

That does not relieve our responsibility to forgive the offender. Rather, it is our responsibility to obey the authority established by God. "Let every person be in subjection to the governing authorities. For there is no authority except from God, and those which exist are established by God" (Romans 13:1).