

SUMMARY: We are specifically instructed to not swear as courts typically request and not to air grievances between members in open civil court.

SWEARING

James 5:12 But above all, my brethren, do not swear, either by heaven or by earth or with any other oath; but let your yes be yes, and your no, no; so that you may not fall under judgment. (NAS)

It is ironic that until recently courts asked you to put your hand on a Bible to swear, when the Bible says not to. Most states allow one to simply affirm what you say is the truth.

LAWSUITS

I Corinthians 6:1-10 specifically discourages Christians taking lawsuits between Christians before the world.

1. How can the righteous be judged by the unrighteous?
2. If the saints will judge the world, can you not make the smallest courts?
3. Is there not a wise man among you who can decide between his brethren?
4. You are defeated, wronged and defrauded if you have lawsuits.

The general conclusion to this is that if you have a disagreement with a brother, a third(s) party should be mutually agreed upon for mediation or binding arbitration if required. It would typically be one or more elders, but it is not a requirement to be an elder.

In some cases in today's society, technical expertise is required to resolve matters. We should encourage this kind of expertise to be cultivated in the church. It would not be wrong to pay a lawyer, builder, engineer, etc. to spend time to become educated and oversee the solution to the difficult situations.

DIVORCE IN CIVIL COURTS

Separation and/or divorce is a civil matter rather than a criminal matter. I Corinthians 6:1-10 specifically instructs that we are not to take our civil disagreements before those who are not saints for resolution. Therefore:

1. It is wrong for two saints to seek settlement of a divorce proceeding before non-saints in public trial.
2. Separation and/or divorce is to be resolved by the spouses or arbitrated before a "wise" saint (I Cor. 6:5). This could certainly be an elder or the elders of a congregation, but it would not have to be an elder.

TOPICAL STUDIES

SAINTS IN CIVIL COURT



3. After resolution of the issues of a separation and/or divorce, some of the issues will have to be presented to a non-saint judge to satisfy the civil laws of the country.
4. Because of the legal technicalities of our present society, the persons assisting in the arbitration and civil recordings of our differences may well need to be certified lawyers. The lawyers would still need to be saints.
5. If a fellow member refuses to submit to arbitration within the church but rather insists upon dragging the matter into open court, he or she is openly sinning. He or she should be counseled with, and lacking in submission, must be withdrawn from so that the innocent party can defend himself or herself in open court without sinning also.