

Lynn R. Buzzard and Thomas S. Brandon, Jr.

## **Church Discipline and the Courts**

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What legal rights does a pastor enjoy within the scope of his ministry and church administration? Can a pastor and church board censure and expel members whose behavior is “willfully unbiblical” and find legal protection from civil litigation? The answers to such questions might be astounding to pastors and laymen alike because recent court decisions have established new precedents regarding the “free exercise of religion” vis-a-vis certain civil liberties of church members such as rights of privacy. In their book, Lynn R. Buzzard and Thomas S. Brandon, Jr., seek to educate clergy and laity about the salient issues involved with church discipline in an age of increased litigation against churches. Both men are attorneys and serve as directors in the Christian Legal Society. They offer this volume as a resource by which churches can stay out of court battles.

Church discipline is defined here as “those acts of the church that specifically hold persons accountable and that are exercises of the spiritual authority of the church.” It is rooted in the individual’s responsibilities to be disciplined in the Christian faith along biblical guidelines. The authors state the present situation succinctly:

Discipline for discipleship will be predominantly preventive, educative, enabling. But there are times when it will be corrective. A community that takes its character seriously and disciplines will insist on repentance, it will refuse to let people dodge their callings (as Christians), and in some instances it may ultimately require dismissal from the community of faith. (p. 65)

Buzzard and Brandon observe that church discipline has sometimes been thoroughly unbiblical with tragic consequences, and they do well to distinguish the concept of “penal discipline”, which condemns and cuts off the weak, from that of “pastoral discipline” which dictates patient encouragement of the weak. They cite a 1981 civil suit, *Guinn v. The Collinsville Church of Christ*, as the first in a recent series of civil lawsuits intended to redefine both the spiritual purposes and the legal parameters of legitimate “pastoral discipline” according to certain thoroughly secular guidelines.

The jury held that the Collinsville church leadership had treated Miss Guinn, a church member, in an “outrageous” manner by insisting firmly that she refrain from an affair with the then town mayor. She had refused this reproof and the church board members followed through with the process mandated in Matthew 18:15-17. The authors should be commended for their instructive commentary about the Guinn case and its recent legal progeny. They argue that the “universal church has so seldom practiced biblical discipline that when a local congregation does

so, it is perceived as so strange and bizarre that a jury can call it outrageous.” (p.22) Narcissistic individualism seems to be so rampant in American society that its attendant rejection of moral absolutes and over-burgeoning cultural bias against “judgment” have been adopted by many Christians. Such values represent an inverted moral order in comparison to that prescribed throughout Scripture and espoused historically by the orthodox Christian church. Thus, proponents of secularism clash with pastors and lay leaders in secular courts. One should expect this litigious onslaught to continue in the near future.

Brandon and Buzzard offer an instructive and detailed legal analysis of the constitutional principles regarding church autonomy and judicial deference to religious affairs which have protected the church in America against unwarranted intrusions by government at all levels. At certain points, this analysis can seem somewhat tortuous to those who are uninitiated in or intimidated by legal matters. Legal citations and statutory references are in abundant supply. Yet, the definitions of the intentional torts involved and other relevant legal concepts are concise and substantiated in a precise, scholarly manner. This tome surely warrants careful perusal because the issue-areas involved are very complex indeed. The reader should expect to be shocked by the serious implications and social reverberations which so-called test-cases such as *Guinn v. The Collinsville Church of Christ* have caused. The authors demonstrate prolific sensitivity to the fact that this subject requires the reader to integrate proper historiography, basic knowledge of constitutional and tort law and correct interpretation of biblical guidelines for church discipline. This is not an easy task. The reader should, therefore, approach this book with a personal commitment to think critically and to be educated.

Brandon and Buzzard offer their most direct counsel in the last chapter of *Church Discipline and the Courts*. They urge in general that the members of local churches think more self-critically and examine carefully the procedures and rationales they utilize in any discipline of any allegedly errant members. Legal protection of the church per se against external interference must be balanced with greater commitment by Christians to act at the local level in exceedingly redemptive and responsible ways under the Lordship of Jesus Christ. Finally, the authors give specific answers to the seminal questions they raise. These are in the form of guidelines for church leaders in order to avoid both protracted disciplinary conflicts and also court itself. These constitute an apt conclusion to the whole volume. But one must read the whole in order to gain the frame of reference necessary for effective implementation of these answers. The clarion call for reading *Church Discipline and the Courts* is clearly this: “Acquire wisdom; And in all your acquiring, get understanding” (Proverbs 4:7 NASB). Inquiring Christians should heed that call of Christ.

— David Burton

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