
The Future Of Adventism: A Lawyer's Perspective

by Glenn E. Coe

The Seventh-day Adventist church as a truth-seeking religious community can learn from our Anglo-American system of justice which, imperfect though it be, has developed over many centuries time-tested principles of law which seek to ensure that truth will emerge through our judicial process. Some of those principles are, in several respects, applicable to the search for religious truth. They suggest, furthermore, the need for significant changes in the responsibility of church members and of church leaders.

With this in mind, let us take a brief look at three principles of law which are basic to our system of justice.

The first principle is that out of conflict truth will emerge. Obviously, when everyone agrees, trials are not necessary. But when there is disagreement our system of justice assumes that truth will emerge if each side is represented by able and vigorous advocates whose duty it is to present all relevant evidence. In civil cases, the plaintiff attorney might rejoice if his opponent is incompetent, but in criminal cases, the government fears an incompetent defense counsel, not because the government fears losing the trial, which is unlikely, but because a victory over incompetency is no victory at all, but simply grounds for reversal and a new trial with competent counsel. The judicial system recognizes that justice

and truth will most likely emerge if both sides are ably represented.

A second principle is that persons accused of criminal conduct are presumed innocent until proven guilty, and that the party seeking to overcome the presumption of innocence has a heavy burden of proof to carry—proof beyond a reasonable doubt. The government accepts this heavy burden readily, for what it seeks is justice, the acquittal of the innocent as well as the conviction of the guilty.

The third principle is that it is the jury and the jury alone that decides whether the standard of proof has been met. The jury listens to the testimony, examines the relevant documents and evidence, evaluates the opinions of the experts, listens to the arguments of the advocates, and then decides if it has been persuaded beyond a reasonable doubt that the defendant, in accordance with the law, is guilty as charged.

Now, how might these principles apply to the search for religious truth? First, controversy. I would not advocate controversy for the sake of controversy. I do not believe, in fact, that a religious community can thrive if it is consumed by controversy; we gain much by dwelling on those aspects of faith which are accepted and commonly believed.

Still we would be deluding ourselves if we thought it possible to have a religious community without controversy. Alvin Kwiram, first president of the Association of Adventist Forums, has said that the person who searches for truth "is not satisfied with glib or simplistic answers. Instead, he searches tirelessly for flaws in the arguments proposed—for weaknesses and inadequacies in the accepted formulations. He tends to focus on the inconsistent elements in a situation, since to him they illustrate that

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understanding is incomplete.”¹ This leads to challenge, conflict, controversy; they are necessary in the development of understanding. Controversy, in fact, is a sign of vitality within the community and, as such, is a positive factor.

Again, this is not to suggest that what is commonly believed by the community is void of meaning. In fact, I would like to suggest that what has been traditionally believed by the church ought to enjoy a presumption of validity akin to the presumption of innocence which all citizens enjoy. A presumption in this context recognizes that what has been established and accepted to the satisfaction of many is deserving of some weight. It places the burden of proof upon those who would challenge orthodoxy.

Just as a prosecutor ought to pause before challenging someone whose innocence is presumed, so a person challenging an accepted tenet of a religious community should recognize the presumption of validity the tenet enjoys. Just as a prosecutor carefully sizes up the credibility of his evidence before filing charges, so too, should the challenger of a religious belief weigh carefully the credibility of the theological evidence for and against the belief before challenging it. Just as the presumption of innocence lends stability to society and its members, so the presumption of validity lends stability to a religious community and its members.

When controversy does occur, we must place a high premium on ensuring that truth will emerge in the end. That is why effective advocacy lies at the very core of our judicial system. By analogy with this, the church must acknowledge the need for articulate advocates who can speak freely concerning doctrinal controversy, and it must give them access to all relevant and pertinent documents and sources.

My plea is not for the vicious, slashing, intimidating style often associated with trial lawyers, but rather for the principle of close, probing examination. The role of

advocate is so honored by our courts that lawyers enjoy immunity concerning what they say in the courtroom, so that fears of civil retaliation will in no way restrain their advocacy. So, too, those who fulfill the role of the responsible advocate in a church community should not be subject to reprisals. What they do is a necessary service for the church; it is indispensable to a serious search for truth.

What about the principle of law imposing a standard or burden of proof? How might that principle be applied to the search for religious truth? It must first be recognized that there are several standards of proof. Proof beyond a reasonable doubt is the highest, the most demanding to meet, and is used in criminal cases where a person's life or liberty is at stake. This standard of proof recognizes that there are different kinds of doubt. Some are reasonable and some are not. The term “reasonable doubt” means what it says—a doubt for which you can assign and give a reason. It is not doubt based on speculation, surmise, or conjecture, but one that arises from the evidence or the lack of evidence. The government is not required to prove guilt beyond all doubt or to a mathematical certitude, for that is rarely if ever attainable in life. The law requires only that the proof be beyond all reasonable doubt.

The least demanding standard—used in most civil cases—is proof by a preponderance of the evidence. It does not refer to volume of evidence, but to that quality of evidence necessary to lead a jury to determine that the existence of the contested fact is more probable than its non-existence. As one court put it:

The term “probability” denotes an element of doubt or uncertainty and recognizes that where there are two choices, it is not necessary that the jury be absolutely certain or doubtless, but that it is sufficient if the choice selected is more probable than the choice rejected.²

Lawyers frequently illustrate this abstract principle by referring to the scales of justice. The side that is the least bit weightier is the side that prevails under this standard of proof even though there may be reasonable doubt on both sides of the case.

There is also an intermediate standard of proof—proof by clear, strong, and convincing evidence. This standard is used in civil cases where there is thought to be special danger of deception: suits to establish the terms of a lost will; suits to set aside, reform, or modify a written contract on grounds of fraud, mistake, or incompleteness; and suits in paternity actions. The proof in such cases cannot be one of mere probability; the evidence must show high probability for the proof to be clear, strong, and convincing.

As I reflect on my personal religious beliefs, I find myself applying different standards of proof to different beliefs. Belief in the existence of God, for instance, I find satisfied by a preponderance of the evidence. That minimal standard strikes me as allowing the proper mix of reason and faith, since the exercise of faith is itself an exercise of reason.

Having been persuaded of the probability of God's existence, I find myself employing a higher standard of proof for less fundamental religious affirmations. It seems to me that is what Paul does in Romans 14 where he describes two brothers in the church who have diametrically opposed convictions about the sinfulness of eating certain foods. The strong brother believes he can eat anything; the brother who is "weak in faith"³ believes he can eat only certain foods.

Paul in verse 14, makes it very clear that he identifies with the strong brother. "I know and am persuaded in the Lord Jesus that nothing is unclean in itself; but," he says, "it is unclean for any one who thinks it unclean." Later on, in verse 23, Paul says: "he who has doubts is condemned, if he

eats." Why? "because he does not act from faith." In other words, if you are not convinced beyond all reasonable doubt that it is all right to eat certain foods, then don't eat them, because to do so is to violate your belief, or your faith, and that is sin, says Paul, "for whatever does not proceed from faith is sin." On the other hand, if you are personally persuaded beyond all reasonable doubt that the food is clean, then by all means eat and enjoy, for you can do so with a clear conscience, provided you do not become a stumbling block to your weaker brother. I happen to believe that much of what makes up the particulars of one's faith ought to satisfy such a standard of proof.

Now what about that intermediate standard of proof—proof by clear, strong, and convincing evidence which is applied in cases where there is a special danger of deception. As one who accepts Scripture, canonical Scripture, as embodying the terms of my covenant with God, I would require anyone who claims unique or special inspiration to interpret Scripture to satisfy this standard of proof. Their claims must be supported by evidence that is clear, strong, and convincing. I would further think that anyone who respected the primacy of Scripture would want to be measured by such an exacting standard.

I would add that even if a person satisfies such a standard of proof, everything said by the prophet or messenger is not automatically binding on the believer. Authority in matters of spiritual truth flows more from the innate persuasiveness of the message presented than from claims to inspiration based only on extraordinary physical manifestations. The words of a prophet, I suggest, carry a presumption of validity, but it is a presumption which is rebuttable.

It is not my purpose to argue what standard of proof ought to be applied by everyone to particular beliefs. Rather, I would urge that, as a lawyer always considers what standard of proof is applicable in a given case, so too should the searcher for religious truth ask at the outset what stan-

dard of proof he will apply to a given issue.

This brings me to the last, and perhaps the most important, analogy to be drawn. This concerns who it is that decides and resolves conflicting claims. In our judicial system, it is the jury; in our church, we say, it is the members. If this is so, it implies several things that need to be openly acknowledged.

In our judicial system practically everything revolves around the recognition that a jury will ultimately render a verdict. This means, among other things, that in a trial all relevant and material evidence and documents are brought before the jury to enable it to perform its task of deciding the truth.

Similarly, a church that truly recognizes its membership as the ultimate deciders of truth, must allow all relevant and material information to be brought before the membership for them to weigh, and this is particularly true when there is a bona-fide controversy. In a criminal case, evidence is not ruled inadmissible merely because it conflicts with the presumption of innocence, for if that were so there would never be convictions. Likewise in a religious community, evidence should not be kept from the membership merely because it is inconsistent with what church leadership believes to be the commonly held tenets of the church. Suffice it to say that a trial judge would be severely criticised by an appellate court if the judge stated in advance what he thought the verdict should be and then admitted only that evidence which was consistent with his pre-stated views.

In a trial experts in a field requiring specialized knowledge may give opinion testimony. But it remains for the jury to determine what weight and credence their testimony has. The same should be true in the church. Special training does not give one the right to arrogate to oneself the proper function and role of the members of the church. My experience with juries has, for the most part, reaffirmed my confidence

in the good judgement of the common man and woman. The vast majority of jurors are able to assimilate complex testimony and documents.

I am only a little less sanguine about the good judgement of the members in the pew, and that is less their fault than the fault of others. For too long, church members have been conditioned to accept the judgement of others. Our members need to be re-educated as to their proper responsibilities and duties. When that is accomplished, I am confident that they will be able to evaluate arguments and conflicting opinions, including the conflicting opinions of experts.

I recognize that it is proper for leadership to defend what the church has historically believed and preached; however, church leaders must come to recognize that their defense is an effort of persuasion, not of dictation. The persuasion must flow from the force of evidence, not from their administrative power to enforce conformity. Church leaders must also recognize and accept that members may decide to reject the views of leadership. This should not be viewed necessarily as a defeat, but very possibly as God's special leading at that particular time.

Those who in fact make the decision should have the attributes of a jury. That is to say, a jury composed of employees or close associates of the defendant or the prosecutor is hardly a fair, impartial, or objective jury. It is a stacked jury, and verdicts given by such a jury are meaningless and at variance with a system of justice. If the church in General Conference assembled is to be the jury that decides the formal, publicly-stated beliefs of the church, then let it be so composed as to give integrity to, and confidence in, its decisions. Leadership should actively promote this, if they genuinely believe that the church is its members and its members the church. To do otherwise reflects a lack of faith in the members of the church. The integrity of the process is what gives legitimacy to our system of justice, and the same should be true of our church.

In another sense, church leadership must recognize that the individual member is his own jury with ultimate responsibility to define his own personal faith. The apostle Paul recognized that. As previously noted, Paul, in Romans 14:14, speaking about food offered to idols,⁴ says: "I know and am persuaded in the Lord Jesus that nothing is unclean in itself." This statement of personal belief is all the more remarkable when you realize that Paul was openly disagreeing with a doctrinal position adopted by the church at the Council of Jerusalem a few years before. You can read the account of the deliberations and decision of the Jerusalem Council in Acts 15. In effect, Paul is saying to church leaders: "You have not persuaded me. You have not carried your burden of proof that it is sinful to eat food offered to idols so far as I, Paul, am concerned; on the contrary, 'I know and am persuaded in the Lord Jesus that nothing is unclean in itself.' This is my verdict—my personal conviction."

The awareness of the responsibility of each individual to settle matters of faith must not be grudgingly recognized, but must be preached, promoted, encouraged, and respected by church leaders. It should be recognized as basic to a meaningful religious faith.

I believe that the Adventist church that I envision will find itself filling up with members excited by the beliefs they have

discovered for themselves. I have seen this happen to people with whom I have studied the Bible. I begin every Bible study with Romans 14, for it reminds me to respect the individual's responsibility to determine for himself what truths will make up his faith. To see people decide to join our church because they have been personally persuaded from Scripture is, indeed, a great joy. A searching faith can at the same time be a sharing faith.

I also believe that a prime reason for the large exodus of so many from our church is that they have never caught the excitement of personal discovery. Everything was pre-packaged and their only decision was to accept or reject the package. This can change if we become what we ought to be—as willing to subject our beliefs to the mind of man as God is willing to be discovered by human minds.

There has been too much hurt and trauma within our schools and congregations; there is a desperate need for healing within our church: healing that flows from a profound respect for one another, that recognizes that each is engaged in a genuine, sincere, and earnest search for truth. Healing takes place when it is recognized that that process is, in fact, desirable and does, in fact, contribute to the health and vibrancy of the church. This search for the truth is not a detriment; it is an asset. It is, we can all hope, the future of the Adventist church.

NOTES AND REFERENCES

1. Alvin L. Kwiram. "On Intellectuals." (Unpublished manuscript prepared for the Committee on How to Reach the Educated of the Association of Adventist Forums and submitted to the General Conference Committee on How to Reach the Educated, 1977, p. 2.)

2. Norton V. Futrell, 149 Cal.App.2d 586, 308 P.2d 887, 891 (1957).

3. The SDA Bible Commentary Vol. 6, p. 634 describes the brother "weak in faith," as . . . one who has but a limited grasp of the principles of righteousness. He is eager to be saved and is willing to do whatever he believes is required of him. But in the immaturity of his Christian experience, and

probably also as the result of former education and belief, he attempts to make his salvation more certain by the observance of certain rules and regulations that are in reality not binding upon him. To him these regulations assume great importance. He regards them as absolutely binding upon him for salvation, and he is distressed and confused when he sees other Christians about him, especially those who seem to be more experienced, who do not share his scruples.

4. See SPECTRUM, Vol. 11, No. 3, where John Brunt suggests that Paul's stand extended to all foods and not just those offered to idols.