

*In its 2005 convention Lutheran Church–Canada requested (res. 05.1.04a) the Commission on Theology and Church Relations to prepare a study document on matters of church and ministry. The document “Pastor and People Together in Christ’s Church” has been shared with the church for reflection and study and will be included in the 2008 convention workbook. In this document the CTCR did not directly address church discipline (as requested by the resolution), but commend the following article to initiate the discussion. Written originally for the 2005 Faculty Forum of Concordia, St. Catharines, it is published also at the request of that faculty.*

## RUMINATIONS ON CHURCH DISCIPLINE

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The topic of church discipline and/or excommunication has been profoundly divisive in our church in recent years—though perhaps it has always been so, as far back as the early Saxon immigrant congregations’ strife with Bishop Stefan. There has been little progress in the intervening years, even though an imposing edifice has been erected by the dogmaticians and pastoral theologians of our tradition, sometimes upon rather insubstantial biblical foundations. Such a construction cannot be quickly or easily renovated. But, as is so often done with the old Victorian terraced homes in my neighbourhood, it may be helpful or even necessary to strip out the plaster, expose the plumbing and wiring, and discover what needs to be redone.

So rather than offering an exhaustive and authoritative pronouncement on the subject, the following study presents “ruminations”, what the Germans might humbly call *Randbemerkungen*. These ideas are meant to probe and explore the doctrine and practice of church discipline, together with its history in the writings of our fathers and its biblical roots. In doing so, I proceed from the following questions, posed originally by the faculty of Concordia Lutheran Theological Seminary, St. Catharines:

- How is church discipline to be defined (using Matt. 18)?
- What are some valid reasons for practising church discipline?
- Can a distinction be made between church discipline and “pastoral discipline” (where the pastor acts alone, without elders, council or voters)?

These are good and relevant questions.

On the presumption, however, that the questions must not be allowed to dictate the answer, we must begin with an awareness of how the terms of

debate may press us into using language and categories that are foreign or at least unhelpful. Firstly, the questions presuppose that church discipline is defined by Matthew 18. This is not an assumption that we should make uncritically. Secondly, the questions focus on the relationship between the local congregation and the pastor in exercising discipline. This is a sign of our times; but one should not assume that this distinction or opposition has always been the critical one in theological reflection on the practice of church discipline. At the very least, the question arises of what is meant by “church” if it is placed in opposition to “pastor”. And finally, we must examine the very term “church discipline”. Is there a danger that, by adopting this as a distinct category, we may be going the way of Calvinism, which views “discipline” virtually as a separate means of grace? Are we using “discipline” in its biblical sense? Is discipline identical to the process of excommunication, and what do we mean by that?

## CHURCH DISCIPLINE – DEFINITIONS FROM THE DOGMATICIANS

Having begun with our present concerns, it may be helpful to move backwards in time through the pastoral handbooks and dogmatics texts of our tradition. We find in Franz Pieper a representative summary of the questions and issues of both our time and his.<sup>1</sup>

In certain cases, however, the pastor must suspend from Communion [*Das Suspensionsrecht des Pastors*]. The pastor’s right of suspension has been discussed much in times past and present. However, the discussion has not always been entirely correct [lit. “with one voice”!] (cf. Walther, *Pastorale*, p. 163 f.). The thing that must be maintained is that the pastor is personally and directly responsible not only to the congregation, but also to God, with regard to the persons he admits to the Lord’s Supper. Therefore the pastor has both the right and the duty to suspend those whose admission to the Sacrament would be contrary to God’s will and ordinance. Walther specifies: “A pastor, though without authority to excommunicate [*in den Bann zu tun*] a member of his congregation, must suspend a member from Communion [*demselben doch das heilige Abendmahl nicht reichen zu können*] when he has committed or lives in a manifest mortal sin [*eine offenbare Todsünde*] and will not repent; has committed a theft and will not return the stolen goods; has insulted or offended someone or a whole congregation, or has been offended by someone, and in either case will not be reconciled, Matt. 5:23–25; 18:28 ff.; Luke 17:3, etc. In such a situation it becomes necessary to

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<sup>1</sup> One must not ignore the role of the translator in imposing another layer of history and development on top of Pieper’s thoughts in his original context. For this reason, Pieper’s original German is included at crucial points in this lengthy quotation.

suspend [*die Notwendigkeit der sogenannten Suspension*] from the Holy Supper, that is to say, the pastor refuses to commune such a member until his offense has been removed, or demands that the member postpone his Communion until he gives evidence of repentance [*here the translator omits a reference to Absolution*], or of readiness to be reconciled, and the like. A pastor may not and must not become partaker of other men's sins, 1 Tim. 5:22. Certainly he must, then, have the right of suspension from the Lord's Supper in all cases where he by admittance to the Lord's Table would knowingly assist in the commission of a grievous sin and thus become partaker of other men's sin. As emphatically, therefore, as our old orthodox theologians deny the right of pastors to excommunicate [*den Bann zu erkennen*] without the congregation, so emphatically they defend the pastor's right to suspend from Communion." It must, however, be kept in mind that the pastor by suspending does not excommunicate [*den Bann*], as many mistakenly have claimed, but he merely demands postponement of the person's communing until the person in question shows signs of repentance and removes whatever obstacles, according to the Word of God, forbid his going to Communion.

Of course, the suspended person always retains the right of appeal to the congregation [*an das Urteil der Gemeinde*] from the verdict of the pastor, and this for two reasons: (1) the administration of the Lord's Supper is entrusted originally to the congregation and the pastor has suspended as the servant [*Diener*] of the congregation (*minister ecclesiae*); (2) the suspension temporarily affects the relation of the suspended to the congregation. But in the meantime the suspension stands. If it should happen that the pastor justly suspended a person, but the congregation condemned and annulled the suspension [*this sentence is inserted by the translator to explain the one word Konfliktfall*], and despite proper instruction and a thorough review of the case, perhaps even by synodical officials [*here the translator paraphrases the phrase, durch eingehende Verhandlungen*], refuses to change its mind, the pastor must nevertheless rather suffer removal from office than give the Lord's Supper to a person to whom, according to God's Word, he must deny it. Under our church polity [*unsern kirchlichen Verhältnissen*] we have rarely experienced such conflicts. In most cases the pastor succeeded in convincing the congregation of the propriety of the suspension. Now and then the pastor was convinced by his congregation, or by other advisers called in, that the suspension was unjustifiable. At our theological schools a number of typical cases in which suspension ought not to be applied, might well be discussed at length.<sup>2</sup>

What can we note from this lengthy discussion? Firstly, it is commendable that Pieper does not simply cite the procedure of Matthew 18, but references a diversity of Scripture passages and considers the issue from

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<sup>2</sup> Francis Pieper, *Christian Dogmatics* (St. Louis: Concordia, 1953), 3:388-90.

a pastoral perspective. Secondly, it is apparent that Pieper intends to defend the authority of the pastoral office against the emerging congregationalism of his time. The problem of his day was not clericalism but anti-clericalism. On the other hand, his treatment is troublesome in some respects. Firstly, he has allowed the conflict between pastor and voters' assembly to colour his treatment, rather than allowing the flow of Holy Scripture to orient his thought. Therefore, secondly, the discussion takes on a decidedly juridical, legal, even political flavour, particularly as it has been translated by men of a subsequent generation. We have talk of verdicts and appeals, of church polity and synodical officials. There seems to be little concern here for the salvation of souls or the reconciliation of the brethren, the restoration of the Communion of the church. The translators have even omitted a reference to Absolution as the goal of the process! Finally, there is a pre-occupation with a dubious distinction between "excommunication" (the ban), and what Walther had labelled "the **so-called** suspension" (Walther's suspicion of the term has been omitted by the translators).

One can't help but suspect that the contours of Pieper's treatment have been moulded by the early experiences of the Saxon immigrants. One of the allegations against Bishop Stephan was that he had abused his unchallenged authority to excommunicate by using it to silence his opponents—without cause. In Walther's *Church and Ministry* [*Kirche und Amt*], written in response to the supposed tyrannical clericalism of both Grabau and Stephan, the pastor's exercise of excommunication is at the head of the queue. Walther writes in thesis 9C:

*C. The minister has no right to inflict and carry out excommunication without his having first informed the whole congregation.*

### **1. Scripture Proof**

It is certain that the office of the keys in a more narrow sense, namely, the power publicly to loose and bind, is also entrusted to the incumbents of the ministry of the Word. Nevertheless, it does not lie within the power of the minister to excommunicate a sinner without his having first informed the congregation. Otherwise the congregation would have to obey the minister blindly, even in matters pertaining to salvation. Here he deals not merely with a clear doctrine of the divine Word but with a judgment of a person's spiritual condition [*Seelenzustand*]. And this judgment is of such a nature that it closes heaven to the person in question and forbids him brotherly fellowship with Christians, and vice versa. Therefore, although the public enforcement of excommunication belongs to and must remain with the incumbents of the ministry of the Word, according to the Lord's command and sacred institution, nevertheless, it must be carried out according to the Lord's express command and order only after the whole congregation (that is, the minister and hearers) has considered and made the final judicial decision on the matter.

For so it is written: “If your brother sins against you, go and tell him his fault between you and him alone. If he hears you, you have gained your brother. But if he will not hear you, take with you one or two more, that ‘by the mouth of two or three witnesses every word may be established.’ And if he refuses to hear them, tell it to the church. But if he refuses even to hear the church, let him be to you like a heathen and a tax collector. Assuredly, I say to you, whatever you bind on earth will be bound in heaven, and whatever you loose on earth will be loosed in heaven. Again I say to you that if two of you agree on earth concerning anything that they ask, it will be done for them by My Father in heaven. For where two or three are gathered together in My name, I am there in the midst of them” (Matt. 18:15–18).

Here Christ clearly gives the supreme jurisdiction to the church or congregation, as our Confessions say, and He desires that a sinner in a congregation be regarded as a heathen and a tax collector and that the dreadful judgment of excommunication be pronounced on him only after manifold private admonitions and the public admonition before and by the congregation have proved themselves fruitless, so that the congregation has unanimously decided to excommunicate him through its pastor.

For this reason even Paul did not desire to excommunicate the incestuous person at Corinth without the congregation, but he wrote them that, though he himself regarded the sinner as deserving excommunication, the congregation itself (“when you are gathered together”) should put away from among themselves that wicked person (1 Cor. 5:4, 13). So also St. John severely rebuked Bishop Diotrophes because he loved to have the preeminence (*philoprōteuōn*) and arbitrarily cast out of the church pious Christians who perhaps opposed his tyranny (3 John 9–10).

However, it is hardly necessary to mention that what the congregation did man for man at the time of the apostles (2 Cor. 2:6; 1 Tim. 5:20) also may be done by the presbytery or consistory alone, wherever a ruling congregation is represented by a presbytery or consistory made up of ecclesiastical and secular states, so that the excommunication is valid and legitimate if only it is accomplished with the knowledge and consent of the church members.<sup>3</sup>

Though Walther is broadly consistent with Pieper his pupil, certain aspects of Walther’s language suggest that his thought has not yet moved as far along the axis of congregationalism. Firstly, Walther prefers to speak of the pastor “informing” the congregation of the excommunication he has pronounced, though admittedly he proceeds to speak of their “final judicial decision”. Secondly, his appeal to the congregation is referenced more clearly to Matthew 18, where the concern is that the whole church be involved in the attempt at reconciliation (and so Walther’s language is

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<sup>3</sup> C. F. W. Walther, *Church and Ministry (Kirche und Amt)*, trans. J. T. Mueller (St. Louis: Concordia, 1987), 321-23.

occasionally less judicial and more churchly). Thirdly, note carefully that Walther defines the church as the minister and hearers together, not as the laity alone. Finally, Walther in the last paragraph reflects his old-world roots, in which voters assemblies were unheard of, and the authority of the larger church lay in presbyteries and consistories. Walther has no trouble imagining that these councils of pastors, or councils on which pastors were in the majority, could legitimately represent the church in carrying out discipline. We must be careful to remember that, with perhaps a few exceptions, voters' assemblies in which the laity gather to conduct church business are almost exclusively an invention of the New World in the 19<sup>th</sup> century.

Before we leave Walther's *Church and Ministry*, one of his citations from the private writings of the Lutheran fathers will be of interest. Walther quotes Gerhard in support of his contention that pastors do indeed have the right to administer church discipline:

From all this it is evident that Christ has granted to the office of the ministry such power. The first is clear from the fact that the office of the ministry consists in the preaching of the Word, the administration of the sacraments, the exercise of the binding and loosing keys, the administration of church discipline. But all this could not be done without such power given to the church. For the preservation of the unity and wholeness of the mystical body, those who maliciously continue in sin must be excluded from the communion of the church, and those who repent must again be received (1 Cor. 5:7; 2 Thess. 3:14). But this could not take place were the church without such power.<sup>4</sup>

The pastor's authority is, as in Walther and Pieper, referenced to the church—but it is significant that Gerhard does not set laity against pastors, or local congregation against clergy. This is apparent from a second quotation Walther offers from Gerhard:

Neither major nor minor excommunication may be administered by the ministers of the Word without the decision of the ecclesiastical senate [church council] or the consistory, because the power of excommunication does not belong to the bishop but to the elders who represent the whole congregation. In Matt. 18:17 we are told: 'Tell it to the church. But if he refuses even to hear the church,' that is, the elders and the council of seniors, 'let him be to you like a heathen and a tax collector,' who are outside the communion of the church. Indeed, major excommunication may be administered only with the knowledge and confirmation of the whole congregation. 'I indeed ... have already judged .... In the name of our Lord Jesus Christ, when you are gathered together, along with my spirit ... deliver

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<sup>4</sup> Walther, 217, quoting Gerhard, *Loci theologici*, "De min. eccl.", par. 191-92.

such a one to Satan' (1 Cor. 5:3–5). 'This punishment which was inflicted by the majority is sufficient for such a man' (2 Cor. 2:6).<sup>5</sup>

Two items in this citation are significant. On the one hand, Gerhard reflects the church structure of his time and place by referring to the consistory as that body which rendered final judgement in cases of church discipline. Secondly, and less helpfully, Gerhard introduces a distinction between major and minor excommunication—a distinction which, as we shall see, Luther had pointedly rejected in the Smalcald Articles. This is one of those points at which the third generation of Lutheranism reintroduced in their own fashion some of the abuses of the mediaeval church that the Reformation had so carefully set aside.

## THE BOOK OF CONCORD

If we now shift our attention to the confessional writings of the Book of Concord, it will not be with undue haste. Here we will find that the focus of debate in the 16<sup>th</sup> century was rather different than in Walther and Pieper. Whereas the Missouri Synod later become thoroughly preoccupied with the relationship between the pastor and the laity within the local congregation, at the moment of the Reformation the divide was most keenly felt between the **bishop** and the local congregation or congregations gathered together into a parish. It is of crucial importance when dealing with confessional texts to distinguish between *Ortsgemeinde* "local congregation", *Gemeinde* (which can refer to a parish consisting of more than one local congregation), and *Kirche* (the whole church). Furthermore, in each instance the church is understood to consist not of laity in opposition to pastors, but of pastor and people, teachers and hearers, shepherd and flock together. Thus, when the confessional writings speak of the authority of the church, pastor and people are together in view. When the church's authority is confessed against the bishops, this is not anti-clericalism but anti-tyranny.

### *The Ban – The Smalcald Articles*

But before we come to the texts where this distinction is crucial, we should consider the most directly significant paragraph from the Book of Concord—Luther's treatment of the abuses of Roman Catholic excommunication in the Smalcald Articles:

We consider the greater excommunication [*den großen Bann*], as the pope calls it, to be merely a civil penalty which does not concern us ministers of

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<sup>5</sup> Walther, 328, quoting Gerhard, *Loci theologici*, "De min. eccl.", par. 286.

the church [*Kirchendiener*]. However, the lesser (that is, the truly Christian) excommunication [*der kleine, das ist der rechte christliche Bann*] excludes those who are manifest and impenitent sinners from the sacrament and other fellowship in the church until they mend their ways and avoid sin. Preachers should not mingle civil punishments with this spiritual penalty or excommunication. (SA III.ix)

It is astonishing that this simple paragraph has been so blithely ignored by later dogmaticians and pastoral theologians. Here Luther rejects the distinction between a greater and lesser excommunication or ban (the terms are equivalent, one Latin, one German). Better put, Luther rejects the one and accepts the other. On the one hand, Roman bishops, who exercised in mediaeval society considerable civil authority in addition to their churchly role, had co-mingled the two realms by applying civil penalties to theological problems. For example, heretics were not merely excluded from the church, but were exiled, imprisoned, or even executed. Other such penalties might include the loss of trading privileges and other means of making one's living. Luther steadfastly rejects the idea that either bishops or other authorities in the church should use such civil penalties to punish sin or coerce repentance—that is to say, he rejects the “greater ban/excommunication”.

On the other hand, Luther is clear that what the Roman Church considered merely the “lesser ban” is truly Christian. Note carefully Luther's language here: the lesser ban is exclusion from the Sacrament (the Lord's Supper) and other fellowship in the church. Here we find no distinction or levels of punishment between suspension from the Lord's Supper and other churchly penalties. Reflecting on this in the light of Luther's theology as a whole, we should find it disturbing that many later Lutheran writers perpetuate the idea that withholding the Body and Blood of our Lord is merely a lesser penalty, a sort of “suspension”; while the removal of the impenitent sinner from the membership list, denying him the right to vote and the dignity of a Christian burial, is somehow a greater penalty! The irony of Luther's comments is that the Roman Church had inverted the penalties, calling what was lesser greater, and what was greater lesser. For what penalty could be greater than to withdraw the life-giving, forgiving and strengthening Communion in Christ's Body and Blood? We, too, must be careful in our use of language lest we suggest that outward penalties of churchly fellowship are more serious than the penalty which denies fellowship with our Lord.

### *Potestas Jurisdictionis*

A similar distinction is at work in the Augsburg Confession and its Apology when Melancthon considers the *potestas ordinis* and the *potestas*

*jurisdictionis*. In Roman theology, these terms had referred to two aspects of a bishop's office. On the one hand, he had the authority of any priest to consecrate the bread and wine to become Christ's Body and Blood, and the authority to forgive sins by speaking the Absolution. This was the *potestas ordinis*, the authority of his holy order. On the other hand, he had civil or judicial authority: to hear cases in which priests were charged with crimes, to render judgements in marital disputes, and in the confessional to probe the sinner's conscience and judge whether he was sufficiently penitent to receive the absolution. This was the *potestas jurisdictionis*, or authority of judgement.

Melanchthon, to put it briefly, accepts the first *potestas* wholeheartedly, and carefully modifies the second. In doing so, he denies those aspects of the episcopal office that were unique to bishops, and asserts that by divine right a bishop has no more authority than any ordinary pastor. He writes:

Therefore, the episcopal office [*das bischoflich Amt; iurisdictione episcoporum*] according to divine right is: [Latin: "according to the Gospel, or, as they say, by divine right, this jurisdiction belongs to the bishops as bishops, that is, to those to whom the Ministry of Word and Sacrament has been committed:"] to preach the Gospel, forgive sins, judge doctrine and to reject doctrine which is contrary to the Gospel, and to exclude from the Christian congregation the godless, whose godless nature is manifest, without recourse to human authority, but alone through God's Word. And for this reason parishioners and churches are bound to be obedient to the bishops, according to this Word of Christ, Luke 10[:16]: "He who hears you, hears Me." (AC XXVIII:21-22)

Note again that Melanchthon claims the divine authority of a bishop is identical to the divine authority of a parish pastor (the only distinction is by human right). What is significant to our discussion is that he then clearly and unequivocally maintains the divine right of a pastor to excommunicate the godless, so long as no civil penalties are imposed. In the Apology he puts it succinctly:

We like the old division of power into the power of the order and the power of jurisdiction. Therefore a bishop has the power of the order, namely, the ministry of Word and sacraments. He also has the power of jurisdiction, namely, the authority to excommunicate those who are guilty of public offenses or to absolve them if they are converted and ask for absolution. (Ap XXVIII:13)

It takes enormous theological dexterity for some later Lutheran theologians to accommodate this statement to their system. But for the sake of honesty we must admit that Melanchthon shows no interest in the involvement of a voters' assembly, nor does he appeal to the congregation as the source of the

pastor's authority. In fact, the only authority behind the action is Christ Himself.

Now, we must not suppose he is suggesting that a pastor should act tyrannically, nor as a lone ranger. There is a proper role for the whole people of God, which we shall highlight when we turn to Matthew 18. But we must be careful not to distort the Book of Concord to defend territory threatened in another time and place. Melanchthon and Luther were simply not concerned with the rights of laity against clergy in this matter. Rather, they were concerned with tyrannical bishops who used excommunication as a ruthless weapon against both pastors and laymen.

Thus, in the Treatise on the Power and Primacy of the Pope, which is just as much a treatise on the authority of bishops, the pastoral office and the church are concepts used with casual interchangeability. Later theologians were keen to quote Melanchthon's interpretation of Matthew 16, "You are Peter, and on this rock I will build my church":

In addition, it is necessary to acknowledge that the keys do not belong to the person of one particular individual but to the whole church, as is shown by many clear and powerful arguments, for after speaking of the keys in Matt. 18:19, Christ said, "If two or three of you agree on earth," etc. Therefore, he bestows the keys especially and immediately on the church, and for the same reason the church especially possesses the right of vocation. (Tr 24)

But it is important to note the parallel interpretation given in the previous sentence, which is hardly ever cited:

In all these passages Peter is representative of the entire company of apostles, as is apparent from the text itself, for Christ did not question Peter alone but asked, "Who do you say that I am?" (Matt. 16:15). And what is here spoken in the singular number ("I will give you the keys" and "whatever you bind") is elsewhere given in the plural ("Whatever you bind"), etc. In John, too, it is written, "If you forgive the sins," etc. (John 20:23). These words show that the keys were given equally to all the apostles and that the apostles were sent out as equals. (Tr 23)

For Melanchthon there is no contradiction between saying that the keys were given to the apostles and that they were given to the church. One is not a representative of the other, nor does one delegate a power to another. Both church as a whole and pastors within it can claim to speak for Christ Himself. For once Melanchthon has made the claim that pastors derive their authority from the office of apostle (Tr 10, German) it is a short step to claiming that apostle, bishop, and pastor equally (Tr 61) have the right and responsibility of withholding the Sacrament from the impenitent sinner, which in the language of the Book of Concord is identical to excommunication:

It is certain that the common jurisdiction of excommunicating those who are guilty of manifest crimes belongs to all pastors. This the bishops have tyrannically reserved for themselves alone and have employed for gain. (Tr 74)

The final sentence of this citation alludes to one other problem we need to keep in mind: the reservation of cases. Within the mediaeval penitential system, certain high-handed sins such as murder and adultery could not be forgiven by the local parish priest, but were reserved to the bishop. The problem with this was at least twofold. Firstly, the bishop had no direct pastoral care of the individual, and so could not be expected to deal wisely and evangelically with the situation. Secondly, ruthless bishops tended to use this prerogative as a weapon against their enemies, withholding absolution and thus excommunicating people for improper motives (“used it for profit”, Tr 74).

### *The Keys and the Office of the Keys*

The reservation of cases helps us to understand a number of statements in the Treatise concerning the giving of the Keys. This is another unwieldy subject, whose depths cannot be plumbed within this study. But one point is clear: when the Treatise insists that the Keys are given to the church, the statement is not meant to divide clergy from people, as if “church” meant voters’ assembly or laity alone. The point was that the pope and his bishops had no exclusive hold on Christ’s keys. If a Christian was truly penitent, no bishop had the right to deny the gift of Christ’s forgiveness. It was readily available from the local priest, indeed in a pinch, from any Christian. This is the import of Melanchthon’s statement in Tractate 23-24 which we cited above. For “church” read “whole church”, not the papacy alone.

## NEW TESTAMENT TEXTS

### *Matthew 18*

And so in this journey backwards through the ages, we finally come to what is often considered the *sedes doctrinae* of excommunication—though this tradition is somewhat disconcerting. Although there is no space here for a full exegesis of the passage, it is possible to uncover some causes for concern over its traditional use.

Jesus, at least as the evangelists organize things, has a habit of telling parables and giving lessons in groups of three. Thus, for example, in chapter 15 of Luke’s Gospel we have the parables of the lost sheep, the lost coin, and the Prodigal Son. Read together, the parables give a clear and coherent

picture of God's concern to seek out and restore even the least child lost from His kingdom, and the great joy in heaven when the lost is found.

In Matthew 18 we find a similar, but often ignored, grouping. Our pericope is framed by the parable of the Lost Sheep and the Parable of the Unforgiving Servant. This suggests that the theme of all three is recovery, restoration, and forgiveness. This perspective is important. What is most troubling about the use of Matthew 18 in our tradition (and particularly in our constitutions) is that it is treated as a legal procedure for excommunication. It may indeed be useful for this purpose, but to treat it as such is to miss entirely the point of Jesus' instruction. For, although excommunication may indeed be **one result** of the process describe by our Lord, it is most certainly an **undesirable** result. What Jesus is describing here is a process by which you may **regain** your brother, not **lose** him. This is a process for reconciliation and forgiveness, not excommunication. If the process fails, then excommunication takes place. And even then, as our pastoral handbooks make abundantly clear, the goal of excommunication is still **restoration**.

The second significant exegetical point that bears emphasis, is that Jesus is addressing a **specific situation** in life, not outlining a procedure to deal with any and every. He says, "If your brother sins [against you], go and tell him his fault ...." The textual variant is indeed important, but not crucially so. Whether Jesus is speaking only of sins that are directly against you, or of a brother's sins of which you simply become aware, the general situation is still the same. The lesson deals with sins that have not yet become public, which are known by Christian brothers, and teaches how to deal with them before they get out of hand. It seems clear that the sin only becomes public at stage three, when it is brought to the attention of the church. It would therefore be quite absurd to impose this as a structure upon other, incompatible circumstances. That is to say, if a sin is already a public scandal, it would seem peculiar to walk mechanically through these steps, as if they were a legal requirement to be fulfilled before the judgement of excommunication could be rendered.

Thirdly, we must consider the meaning of the word "brother". It should be accepted without tedious demonstration that in the New Testament this is equivalent to Christian. In other words, Christ is speaking to any Christian who finds himself in this situation, and gives advice on how to effect repentance and reconciliation. It would therefore be an alien distortion of the text to treat it as a procedure for pastoral care. A pastor may indeed find it helpful on occasion to invoke the aid of his elders or other Christian brothers when approaching an unrepentant sinner. But, again, to treat it as a legal requirement that a pastor cannot impose discipline upon such a person without first bringing two or three other Christians is to misapply the text.

For the pastor's authority within his office is of a different nature than the Christian brother's.

Finally, we should consider the meaning of "church". It seems an unjustifiable and anachronistic distortion to gloss this word with "voters' assembly" or "laity". For, as we have attempted to demonstrate through reading the Book of Concord, "church" is never in opposition to clergy—though it may indeed be used in opposition to tyranny and usurpation of power. Thus, it is entirely possible in Matthew 18 that "church" is used in contrast to individual attempts at reconciliation. So, if you can't work it out yourself, bring it to the whole body. But, more importantly, "church" (as the pericope itself defines it) is the place where forgiveness takes place. Therefore, "tell it to the church" would seem to refer to the liturgical assembly in which the means of grace happen, rather than to a legislative assembly. "Church" then means both pastor and people together.

If this is indeed the correct interpretation of this pericope, it can be an extremely positive tool in the life of the church. Impenitent sinners can be dealt with privately if possible, and publicly if necessary. But the life and vitality of Jesus' words is sapped if it is reduced to a judicial procedure, and its goal is distorted if it is seen merely as a way to excommunicate someone without risking a law suit (as it was once described in a pastoral theology class). Likewise, far from **restricting** the place where forgiveness can happen to the gathering of believers, the pericope shows the **richness** of God's grace. Not only can pastors forgive and retain sins in private (Jn 20), but when appropriate, the church as a gathered body can do the same.

### *Other New Testament Texts*

We see this richness and diversity of God's gifts in the oft-cited case recorded in I Corinthians. When in chapter 5 Paul chastises the Corinthians for tolerating the immorality of the man living with his father's wife, he demands that they excommunicate him:

<sup>3</sup> For though absent in body, I am present in spirit; and as if present, I have already pronounced judgment on the one who did such a thing. <sup>4</sup> When you are assembled in the name of the Lord Jesus and my spirit is present, with the power of our Lord Jesus, <sup>5</sup> you are to deliver this man to Satan for the destruction of the flesh, so that his spirit may be saved in the day of the Lord. (I Cor. 5:3-5)

Pastoral handbooks wishing to stress the unique authority of congregations to excommunicate will point out that Paul tells them to carry out the action. But surely this is a distortion of the text. For Paul declares that by his apostolic (that is to say, pastoral) authority he has already rendered the judgement. But because he is not present with them, he calls upon the

congregation to carry it out. There is no suggestion in the text that Paul lacked the authority to excommunicate the man. In fact, Paul warns the Corinthians that if they do not take care of it before he gets there, they will really see his authority in action:

<sup>2</sup> I warned those who sinned before and all the others, and I warn them now while absent, as I did when present on my second visit, that if I come again I will not spare them—<sup>3</sup> since you seek proof that Christ is speaking in me. He is not weak in dealing with you, but is powerful among you. (II Cor. 13:2-3)

Thus, it is entirely improper to claim that this case from Corinth confirms that only the congregation may excommunicate. On the contrary, it gives evidence of the diversity of God's dealing with men. Both Paul and the congregation had an obligation to act, when faced with the immensity of this scandal. And we must not forget Paul's final words: that the goal was not the cleansing of the community by exclusion of the man, but the re-inclusion of the man through the proper use of Law and Gospel, "so that his spirit may be saved in the day of the Lord."

### *"Discipline" in the Scriptures*

In the beginning we questioned the use of the term "church discipline", and so it would not be wise to leave the NT without seeking a definition. For this language also seems to suffer from procedural and judicial overtones that are absent from the New Testament. For consider the language of Hebrews 12:

<sup>7</sup> It is for discipline that you have to endure. God is treating you as sons. For what son is there whom his father does not discipline?<sup>8</sup> If you are left without discipline, in which all have participated, then you are illegitimate children and not sons.<sup>9</sup> Besides this, we have had earthly fathers who disciplined us and we respected them. Shall we not much more be subject to the Father of spirits and live?<sup>10</sup> For they disciplined us for a short time as it seemed best to them, but he disciplines us for our good, that we may share his holiness.<sup>11</sup> For the moment all discipline seems painful rather than pleasant, but later it yields the peaceful fruit of righteousness to those who have been trained by it.<sup>12</sup> Therefore lift your drooping hands and strengthen your weak knees,<sup>13</sup> and make straight paths for your feet, so that what is lame may not be put out of joint but rather be healed. (Hebrews 12:7-13)

From this we learn that discipline is not reserved for gross sinners, but is the lot of all Christians. And discipline is something for which we should be thankful. It is what a father does for the sons he loves. Discipline is not identical to punishment. Certainly there are different kinds of discipline. But it is deeply regretful that the word has been co-opted among us to refer almost exclusively to the process of excommunication. For discipline in the New Testament is a conforming to the suffering Christ that produces an

enduring character in God's children. If only we viewed what we call "church discipline" in this way.

## CONCLUDING POINTS FOR DISCUSSION

In concluding it will be helpful to return to the original questions. Of the three we have gone some way towards answering the first and third, and some basic answers have emerged to the second. Nonetheless, the reservations expressed about the terms of debate have proved legitimate. The question of whether the pastor or voters assembly has the power of excommunication is a question wrongly put. On the one hand, as Walther and Pieper rightly insisted, it is necessary to defend the pastor's right, authority, and duty to suspend the unrepentant sinner from participating in the Holy Communion. On the other hand, this right has only recently been disputed, and so its defence cannot be the foundation of our doctrine or practice in the matter. More importantly, when theology is framed in terms of rights and duties it is being run according to the Law not the Gospel.

At the time of the Reformation the question had far more to do with how the unrepentant sinner might best hear God's Law, and even more, how the repentant sinner might receive absolution. The tyranny of bishops and their reservation of cases had deprived men of the comfort of the Gospel. Thus, the Reformers' defence of the pastor's right to administer both excommunication and Communion, as two sides of the same coin, was not about power politics but about the care of souls.

Today we are in danger, ironically, of falling not into Calvinism but into Romanism. Church discipline and excommunication have been so narrowly defined that they have effectively been excluded from use. Rather than a bishop taking discipline out of the pastor's hands, we have constitutions that forbid a pastor to use an important tool in his kit. Now, this is not a plea for pastors to act tyrannically or to impose the ban more often. It is a plea for the pastor and laity to work together, each according to their calling from God, in admonishing and reconciling their brothers and sisters. Two practical examples may clarify.

If a pastor in his ongoing care of his flock becomes aware of a deep spiritual crisis in one of his members, if, for example, John Smith admits that he is pursuing an adulterous affair and is tormented by it but not yet ready to forsake it, what should the pastor do? Clearly one of the tools in his care of this man is to withdraw Communion fellowship (for reasons that should be obvious) until Mr Smith is brought to repentance and Absolution. But should the pastor bring the news to the elders and the voters' assembly? No. In fact, it would be a scandalous dereliction of duty if he did. For John is

relying on the pastor's confidence while he struggles with this sin, and the pastor has vowed not to disclose sins confessed to him—it matters not whether an absolution has yet been pronounced. Has John been suspended or excommunicated? We have discovered above that it is a distinction without a difference, for to be removed from the fellowship in Christ's Body and Blood is to be excluded from the Communion of the church (excommunicated). The question that remains is what role the rest of the congregation have. In this case, according to the few details offered, they have no specific role at all, for the case remains private between the man and his pastor. Matthew 18 simply does not apply.

Now consider Jane Smythe, whose affair with a colleague at work has become known to her close friends and family, to their great scandal. Following our Lord's wise words in Matthew 18, her sister-in-law approaches her privately with conversation and admonishment. Unsuccessful, she returns with a few wise fellow Christians, but is still rebuffed. The following Sunday, the unrepentant Mrs Smythe communes, and after the service her friends and family gossip madly about the offence she has caused. Word goes round that the pastor and the congregation are unconcerned about Jane Smythe's behaviour, suggesting that adultery is insignificant and the Lord's table common. In this case, a public sin now needs to be dealt with publicly. "Tell it to the church." The pastor is advised of the situation, and in due course the whole congregation are led to treat her as a tax collector and sinner. Of course it is more complicated than that, but the point is that where the sin is public and scandalous, the entire congregation must be brought into action. The pastor's role, in addition to any practical counselling he might be able to offer the family, is to apply Law and Gospel to the woman. One step is to withhold the Lord's Supper as a warning and as a protection against unworthy use. The woman's Communion has thus been broken. What is the role of the rest of the congregation? To render a judgement? To give orders to the pastor? To carry out a sort of "higher excommunication" consisting in removing Mrs Smythe from the Board of Christian Education and taking her card out of the parish Rolodex? This is hardly what our Lord had in mind. Rather, they are to use their own brotherly admonition and love in each and every opportunity of their individual callings to restore the her. What they are doing is not "excommunication", but carrying out the consequences of the excommunication and working together to reach its goal—the reconciliation of the sinner to God's kingdom.

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