

**Disputes,
Discipline
and
Reconciliation**
In the Body of Believers

*A Handbook of
Procedure and Theology*

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Procedure and Theology*

by Michael Rudolph, D.Min., J.D.



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Dedication

*Marie, Marie, wife to me,
Without whose life I'd nowhere be.*

Life...

Wife...

Selflessly...

Gift from God enduringly.

*Marie, Marie, wife to me,
Devoted helpmate lovingly.*

Love...

Dove...

Faithfully...

I thank God for you endlessly.

TABLE OF CONTENTS

Introduction	9
I Private and Public Offenses	13
II Two Kinds of Forgiveness	15
Personal Forgiveness	15
Judicial Forgiveness	17
III Responding to a Private Offense	21
Deciding Whether to Overlook an Offense	21
Bringing Correction to an Offending Brother	22
Returning with Witnesses	24
Bringing the Dispute to the Ekklesia	25
Procedure and Due Process	27
Judgment, Compliance and Enforcement	31
Restoring a Brother to Fellowship	32
When the Offender is You!	33
Pastoral Considerations	33
Resolving Private Disputes that Do Not Involve Sin	34
IV Responding to a Public Offense	35
Prosecuting Public Offenses	36
Compliance and Enforcement	38
Disfellowship	38
Ban from Fellowship	39
Extent and Limits of a Ban	41
Restoration from Disfellowship and Ban	42
Accusations Against Elders	42
V Appealing Decisions	45
VI Handling Conflict Outside the Body of Believers	47
VII Scripture Index	53
VIII Subject Index	57

INTRODUCTION



The *beit din* (ecclesiastical court) has its origin in biblical antiquity with Jacob prophesying over his sons and blessing Dan as the head and the judge of his tribe; we read in Genesis 49:16:

Dan shall judge his people as one of the tribes of Israel.

The next significant occasion of judicial proceedings that we read about occurred many years later and is recorded in Exodus 18:14–26 (see also, Deuteronomy 1:9–18):

So when Moses' father-in-law saw all that he did for the people, he said, "What is this thing that you are doing for the people? Why do you alone sit, and all the people stand before you from morning until evening?" And Moses said to his father-in-law, "Because the people come to me to inquire of God. When they have a difficulty, they come to me, and I judge between one and another; and I make known the statutes of God and His laws." So Moses' father-in-law said to him, "The thing that you do is not good. Both you and these people who are with you will surely wear yourselves out. For this thing is too much for you; you are not able to perform it by yourself. Listen now to my voice; I will give you counsel, and God will be with you: Stand before God for the people, so that you may bring the difficulties to God. And you shall teach them the statutes and the laws, and show them the way in which they must walk and the work they must do. Moreover you shall select

from all the people able men, such as fear God, men of truth, hating covetousness; and place such over them to be rulers of thousands, rulers of hundreds, rulers of fifties, and rulers of tens. And let them judge the people at all times. Then it will be that every great matter they shall bring to you, but every small matter they themselves shall judge. So it will be easier for you, for they will bear the burden with you. If you do this thing, and God so commands you, then you will be able to endure, and all this people will also go to their place in peace.” So Moses heeded the voice of his father-in-law and did all that he had said. And Moses chose able men out of all Israel, and made them heads over the people: rulers of thousands, rulers of hundreds, rulers of fifties, and rulers of tens. So they judged the people at all times; the hard cases they brought to Moses, but they judged every small case themselves.

And so, began the practice within Israel of the community’s elders judging the affairs of its inhabitants. At first and in small local communities, the elders sat at the gates of their respective cities and judged matters that were brought before them (see e.g., Deuteronomy 21:18–21; Joshua 23:2, 24:1; and Ruth 4:1–11). As the population of Israel grew, however, and eventually settled in-and-around Jerusalem, area-wide rabbinical tribunals developed to judge the affairs of Israel and of individual Israelites. The smaller of these courts, “*Lesser Sanhedrin*,” consisted of twenty-three judges¹ and served individual cities, while the “*Great Sanhedrin*” consisting of seventy-one judges, served as a “supreme court” and heard appeals from the various “*Lesser Sanhedrin*.”

In the New Covenant Scriptures, we encounter Apostles and Elders gathered together to judge matters brought before them; we read in Acts 15:2–6:

Therefore, when Paul and Barnabas had no small dissension and dispute with them, they determined that Paul and Barnabas and

¹ m.Sanh. 1.1

certain others of them should go up to Jerusalem, to the apostles and elders, about this question. So, being sent on their way by the church, they passed through Phoenicia and Samaria, describing the conversion of the Gentiles; and they caused great joy to all the brethren. And when they had come to Jerusalem, they were received by the church and the apostles and the elders; and they reported all things that God had done with them. But some of the sect of the Pharisees who believed rose up, saying, "It is necessary to circumcise them, and to command them to keep the law of Moses." Now the apostles and elders came together to consider this matter.

We are also admonished by 1 Corinthians 6:1–7 that we are to judge disputes between brothers within the body of believers, and we also encounter the adjudication of private offences by the *ekklesia* (the body of believers) in Matthew 18:15–17. Referring to the latter Scripture, we note that the *ekklesia* is too large a body to sit in judgment of issues brought before it, so scholars and clergy almost universally interpret the Scripture as referring to elders, convened as *batei din* (plural of *beit din*), representing the body of believers.

The need for the elders of local congregations to adjudicate disputes and render discipline within the body of believers is as relevant today as at any time in the past. That notwithstanding, many congregational leaders and elders have never considered the judicial function (though clearly biblical) to be a responsibility of their office, and they are therefore untrained and unprepared to participate when circumstances thrusts it upon them. It is my hope that this small (and hopefully easy-to-use) Handbook will help by serving as a text for elder judicial training, and as a guide for *beit din* participants. 📖


Note: *Scriptures quoted herein are from the New King James Version with "Jesus" rendered as "Yeshua," "Christ" rendered as "Messiah," and "church" rendered as "congregation."*

I PRIVATE AND PUBLIC OFFENSES



A private offense is a sin of one individual committed against one or more other individuals.² This kind of offense is the biblical equivalent of a civil offense recognized in the secular courts. A public offense is a sin committed by an individual against society broadly—e.g. the local congregation, the larger government, or the community of believers at large.

This kind of offense is the biblical equivalent of a criminal offense in secular law.

Only aggrieved parties (individuals for private offenses and community authorities for public offenses) have standing to pursue an offender's repentance, and to require restitution where appropriate. 

² When a sin is committed against a local congregation or other organizational entity of the body of believers, the organization sinned against becomes an injured "person" for purposes described in this paper, and may partake of all remedies available to natural persons in similar circumstances.

II TWO KINDS OF FORGIVENESS



Personal Forgiveness

Mark 11:25–26

And whenever you stand praying, if you have anything against anyone, forgive him, that your Father in heaven may also forgive you your trespasses. But if you do not forgive, neither will your Father in heaven forgive your trespasses.

Personal forgiveness applies only to private offenses, i.e., where sins are committed against individuals.³ This kind of forgiveness is not conditioned on the offender’s repentance; it is unconditional, and must be given as soon as possible after the offense or offenses are committed. Our granting personal forgiveness to others opens the way for God to forgive us. In the same way, if we do not grant personal forgiveness to others, God will not forgive us. Bitterness is lingering personal “unforgiveness.”

There are two steps for exercising personal forgiveness:

1 Recognize that a sin has been committed against us.

3 Public offenses may also injure individuals, in which case they are simultaneously private offenses. For example, robbery has historically been considered a public offense, but it is also a private offense to the individual who has been robbed.

2 Rid ourselves of all personal animosity by giving the matter over to God.

The following Scriptures also apply:

Matthew 6:12, 14–15

And forgive us our debts, as we forgive our debtors. For if you forgive men their trespasses, your heavenly Father will also forgive you. But if you do not forgive men their trespasses, neither will your Father forgive your trespasses.

(This teaches that we must unconditionally forgive others so that God will forgive us.)

Luke 6:27–32

But I say to you who hear: Love your enemies, do good to those who hate you, bless those who curse you, and pray for those who spitefully use you. To him who strikes you on the one cheek, offer the other also. And from him who takes away your cloak, do not withhold your tunic either. Give to everyone who asks of you. And from him who takes away your goods do not ask them back. And just as you want men to do to you, you also do to them likewise. But if you love those who love you, what credit is that to you? For even sinners love those who love them.

(This teaches that we must love our enemies and be willing to bless them even if we make ourselves vulnerable to being abused.)

Luke 6:37

Judge not, and you shall not be judged. Condemn not, and you shall not be condemned. Forgive, and you will be forgiven.

(Here, God's forgiveness of us is linked to our forgiving others.)

Luke 23:34

Then Yeshua said, "Father, forgive them, for they do not know what they do."...

(This is an example of Yeshua exercising personal forgiveness.)

Ephesians 4:31

Let all bitterness, wrath, anger, clamor, and evil speaking be put away from you, with all malice.

(This teaches that bitterness must not be retained.)

Hebrews 12:15

Pursue peace with all people, and holiness, without which no one will see the Lord: looking carefully lest anyone fall short of the grace of God; lest any root of bitterness springing up cause trouble, and by this many become defiled;

(This teaches that if we are not careful, a root of bitterness can arise and cause much trouble.)

Judicial Forgiveness⁴

Judicial forgiveness applies to both private and public offenses, and is termed “judicial” because, prior to its being granted, the injured party must judge the offender’s repentance. This kind of forgiveness differs from personal forgiveness in that while personal forgiveness must be given unconditionally, judicial forgiveness is only granted if the offender repents:

Luke 17:3–4

Take heed to yourselves. If your brother sins against you, rebuke him; and if he repents, forgive him. “And if he sins against you seven times in a day, and seven times in a day returns to you, saying, ‘I repent,’ you shall forgive him.”

Whether judicial forgiveness is in the hands of individuals (in the case of private offenses) or a judicial body such as a court of elders (in the case of public offenses), God forgives the offender in heaven

⁴ Sometimes termed “transactional forgiveness.”

if he is forgiven here on earth. Similarly, God withholds forgiveness in heaven if the offender is not forgiven here on earth—another justification for the term “judicial.”⁵

John 20:21–23

So Jesus said to them again, “Peace to you! As the Father has sent Me, I also send you.” And when He had said this, He breathed on them, and said to them, “Receive the Holy Spirit. “If you forgive the sins of any, they are forgiven them; if you retain the sins of any, they are retained.”

(Here, Yeshua (Jesus) grants his disciples judicial authority and discretion to forgive sin.)

The following Scriptures also apply:

Matthew 18:21–22

Then Peter came to him and said, “Lord, how often shall my brother sin against me, and I forgive him? Up to seven times?” Yeshua said to him, “I do not say to you, up to seven times, but up to seventy times seven.

(This Scripture is categorized here as “judicial forgiveness” rather than “personal forgiveness” because it is part of a process beginning with Matthew 18:15, which seeks to obtain repentance from an offender.)

Ephesians 4:32

And be kind to one another, tenderhearted, forgiving one another, just as God in Messiah forgave you.

(God’s forgiveness of us was conditioned on repentance in Messiah.)

⁵ Since God is just, we must assume His willingness to forgive in heaven if forgiveness is improperly withheld on earth.

Colossians 3:13

...and forgiving one another, if anyone has a complaint against another; even as Messiah forgave you, so you also must do.

(We know from elsewhere in Scripture that Messiah's forgiveness of us was conditioned on our repentance.)

1 John 1:9

If we confess our sins, He is faithful and just to forgive us our sins and to cleanse us from all unrighteousness.

(Here, God's forgiveness is conditioned on our confessing our sins.) 

III RESPONDING TO A PRIVATE OFFENSE



As previously shown, the first step in dealing with a private offense is to exercise personal unconditional forgiveness toward the offending brother (Mark 11:25–26). This is vital because, unless we purge ourselves of unholy attitudes, we cannot be in a proper spiritual condition to make the decisions and take the actions required of us by Scripture.

Deciding Whether to Overlook an Offense

Even when we are authorized to seek redress for a sin committed against us, we need not do so:

Proverbs 19:11

The discretion of a man makes him slow to anger, And his glory is to overlook a transgression.

This is in keeping with God's desire that we take upon ourselves His holy nature, for He Himself has been known to overlook sin.⁶

Acts 17:29–30

Therefore, since we are the offspring of God, we ought not to think that the Divine Nature is like gold or silver or stone,

⁶ Consider also, how Moses pleaded with God to overlook the sins of Israel (Deuteronomy 9:27).

something shaped by art and man's devising. "Truly, these times of ignorance God overlooked, but now commands all men everywhere to repent..."

Some private offenses are easily overlooked—especially those that are unintentional, have done no great harm, and are unlikely to be repeated. Although it may seem that overlooking an offense is always the loving thing to do, it is not necessarily so. One's decision should always be based upon what is best for the offender, and what is best for others against whom the offender may sin if he is not made accountable. If, however, the offense is overlooked, it must not be brought up again unless the offense is repeated.

Bringing Correction to an Offending Brother

If our decision is to not overlook the offense, we must confront the offending brother with his sin:

Matthew 18:15

Moreover 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.

Galatians 6:1–2

Brethren, if a man is overtaken in any trespass, you who are spiritual restore such a one in a spirit of gentleness, considering yourself lest you also be tempted. Bear one another's burdens, and so fulfill the law of Messiah.

There are three things in the foregoing Scriptures which stand out. First, when we go to our brother to tell him his fault, our attitude must be pure and our demeanor proper. The operative expression in the Galatians Scripture is "a spirit of gentleness."

Second, we are to go to our brother alone. That means we are not to share our complaint with others before first giving our brother the opportunity to repent and make things right. This principle assumes two things: **1.** The parties are relatively equal in their ability to deal with one another, and **2.** There is no impropriety in the parties meeting privately. An example of inequality would be a child having to confront an adult; an example of improper privacy would be a male and female meeting alone to confront one another concerning sexual sin. In these and similar cases, the Scriptures should be interpreted broadly enough to permit chaperoning and for allowing the weaker of the two adversaries to be accompanied by a suitable protector.

Third, our purpose for confronting our brother must be to restore him to righteousness, and our hope must be for reconciliation. Although in cases involving damage or loss we may also seek restitution as part of the reconciliation process, we are not to sue our brother in a secular court as a first resort:

1 Corinthians 6:1–7

Dare any of you, having a matter against another, go to law before the unrighteous, and not before the saints? Do you not know that the saints will judge the world? And if the world will be judged by you, are you unworthy to judge the smallest matters? Do you not know that we shall judge angels? How much more, things that pertain to this life? If then you have judgments concerning things pertaining to this life, do you appoint those who are least esteemed by the church to judge? I say this to your shame. Is it so, that there is not a wise man among you, not even one, who will be able to judge between his brethren? But brother goes to law against brother, and that before unbelievers! Now therefore, it is already an utter failure for you that you go to law against one another. Why do you not rather accept wrong? Why do you not rather let yourselves be cheated?

The aforesaid Scripture is not a prohibition against a believer utilizing the public courts against a brother under all circumstances. There are cases where the public courts and ecclesiastical courts have simultaneous jurisdiction such as in matters of divorce, and times when they have exclusive jurisdiction such as in matters of real property ownership. Where there is simultaneous jurisdiction, believers must first utilize the ecclesiastical court, and only afterwards utilize the public court in cases where the ecclesiastical court could not provide a suitable remedy, or the judgment of both courts is needed for a valid reason. Where the public court has exclusive jurisdiction, a believer may apply directly to it, although it is prudent to first apply to an ecclesiastical court for leave to do so.

Returning with Witnesses

If the offending brother agrees with our complaint and repents, the matter is, of course, concluded, and we forgive him. If he does not agree or refuses to meet privately, we must then elect whether to pursue the matter further, or to belatedly overlook his sin (Proverbs 19:11) while being content that we have complied with Galatians 6:1–2.

Although overlooking the sin at this point is possible, its appropriateness is unlikely. If there remains un-reconciliation, we are obligated to go to our brother again, and this time, bring one or two witnesses:

Matthew 18:16

But if he will not hear, take with you one or two more, that 'by the mouth of two or three witnesses every word may be established.

These need not be witnesses to the original offense complained of (although they may be), but rather to our second meeting with our brother.⁷ Our usual concept of witnesses is that they are silent

⁷ Although not addressed in Scripture, fairness probably allows the offending brother to invite his own witnesses to observe the meeting as well.

observers. In this case, however, Matthew 18:17, authorizes these witnesses to determine which of the parties to the dispute is wrong, and to urge that person to listen to reason and repent:

Matthew 18:17

And if he refuses to hear them, ...

As before, if the parties come to agreement or the offending brother repents, the matter is concluded. If however, the attempt at reconciliation is unsuccessful, the matter must be brought for adjudication to the *ekkklesia*.

Bringing the Dispute to the *Ekklesia*

Matthew 18:17

And if he refuses to hear them, tell it to the congregation.

The word “congregation” in the Greek text is *ekkklesia*, which means “a gathering,” “an assembly (for worship),” “a deliberative council.” According to Matthew 18:17, if the complainant and the witnesses are unsuccessful in convincing the offender to repent, the matter is to be brought to the *ekkklesia* for adjudication. Since the entire *ekkklesia* of Israel (and even the membership of a single congregation) is too large a group hear and judge cases, it is the prevailing view that a court of assembled elders acts as a *beit din* in behalf of the *ekkklesia*.

Although Scripture does not provide instructions as to exactly which elders ought to be assembled to hear a Matthew 18 case, a natural venue is one’s own congregation.

That works particularly well when the disputants are from the same congregation and the elders are not parties to the dispute.

As with most of God's instructions, the Matthew 18 process is designed to operate in an ideal biblical environment. In the First Century, congregational elders oversaw entire cities, and sought to be in unity with the elders of other cities. This is rarely the case today, for the *ekklesia* of believers is fragmented, and local congregations often do not communicate with each other. When this creates a problem for being able to convene a court of elders to hear a Matthew 18 case, the author recommends the following:

- 1** If the parties are from the same local congregation, their own elders should hear the case unless there is a legitimate reason to the contrary.
- 2** If the parties are from different local congregations, they should confer and try to reach agreement as to the composition of a court of elders to hear the case. One possibility is to petition the elders of both congregations to convene into a single court.
- 3** If the parties cannot agree, then the complainant should request that his own congregation's eldership invite the respondent's elders to join them in adjudicating the case. This presumes, of course, that the other congregation is doctrinally sound.
- 4** If a complainant's eldership refuses to convene a Matthew 18 court without a biblically valid reason, the complainant should appeal to his congregation's denominational or apostolic oversight and, if none exists, he should petition the respondent's congregation directly.
- 5** If the respondent is not a member of a congregation or his eldership declines to participate without a biblically valid reason, the complainant's congregation should assume

jurisdiction and hear the case, even over the objection of the respondent, or in his absence.

The controlling principles are; **1.** A believer should not be able to remove himself from the judicial jurisdiction of the body of believers; **2.** Neither a party to a controversy nor a party's congregation, should be allowed to frustrate the convening of a Matthew 18 tribunal; **3.** A congregation always has jurisdiction over matters affecting its own members; **4.** The refusal of a party to recognize and submit to the authority of a congregation's elders is not a sufficient reason for their refusing to hear a case.

Procedure and Due Process

Due process is procedural fairness leading to truth and justice. The importance of due process is that truth and justice are both attributes of God, and both are required of us by God's law:

Deuteronomy 32:4

He is the Rock, His work is perfect; For all His ways are justice, A God of truth and without injustice; Righteous and upright is He.

Micah 6:8

He has shown you, O man, what is good; And what does the LORD require of you But to do justly, To love mercy, And to walk humbly with your God?

Truth points to what is right, and justice leads to a right result. The question for our purpose is, how do we achieve these procedurally in the context of a Matthew 18 adjudication? A good place to begin is with Scriptures that teach that judicial decisions are to be made by a *beit din* (judicial tribunal) hearing witnesses and weighing evidence:

Deuteronomy 19:15–18

One witness shall not rise against a man concerning any iniquity or any sin that he commits; by the mouth of two or three

witnesses the matter shall be established. If a false witness rises against any man to testify against him of wrongdoing, then both men in the controversy shall stand before the LORD, before the priests and the judges who serve in those days. And the judges shall make careful inquiry, and indeed, if the witness is a false witness, who has testified falsely against his brother, ...

Exodus 22:12–13

But if, in fact, it is stolen from him, he shall make restitution to the owner of it. If it is torn to pieces by a beast, then he shall bring it as evidence, and he shall not make good what was torn.

Deuteronomy 22:15

then the father and mother of the young woman shall take and bring out the evidence of the young woman's virginity to the elders of the city at the gate.

Although American statutory law is not always aligned with Scripture, its tradition of procedural due process is both biblical and exemplary. Consequently, the following recommendations for conducting Matthew 18 hearings (*batei din*) are borrowed from American jurisprudence:

- 1** The complaint to be adjudicated should be brief, concise, and in writing, and include the relief being sought from the *beit din*.
- 2** The aforesaid should be followed by a written statement of admissions or denials of each element of the complaint and include the disposition (e.g. dismissal) that is being sought by the respondent.
- 3** Preliminary proceedings should allow for discovery and other motions filed by the parties or the *beit din sua sponte*.

- 4** If the complaint is not disposed of as a result of preliminary proceedings, a date, time, and place of hearing should be set and served on all parties.
- 5** The parties should be allowed representation because many people have difficulty expressing themselves verbally—especially in their own defense.
- 6** The parties should be instructed to summon whomsoever they will as witnesses to testify in their behalf. Witnesses can be either eyewitnesses, or experts;⁸ they should not be present in the room when the testimony of other witnesses is heard.
- 7** Matthew 18 hearings need not be public, but they should be recorded.
- 8** The hearing room should be set up in a dignified manner. The judging elders should sit at a table facing the parties and their representatives, and one of the elders should be selected to preside.
- 9** Prior to testimony being taken, each party should be allowed (but not required) to make an opening statement. The purpose of such a statement is to explain the nature of the case, and to state in advance what each party intends to prove.
- 10** Testimony should first be received from the complainant's witnesses, including the complainant himself. Each witness is asked questions by the complainant or his representative; this is termed direct examination. Immediately following the direct examination of each witness, the opposing party or his representative is allowed to cross-examine. When all of the

8 Expert witnesses may testify as to their professional opinion. However, before being allowed to testify, the court must agree that their special knowledge and experience qualifies them as experts.

complainant's witnesses have testified, it is the respondent's turn to do similarly.

- 11** Exhibits such as documents, recordings, objects, photographs, etc., may be offered as evidence after first being identified and testified to by witnesses.
- 12** If a party raises an objection to either a posed question or an item of evidence, the judging elders must rule on the propriety of the question or the admissibility of the evidence sought to be admitted.
- 13** After both parties have presented all of their witnesses and evidence (their cases in chief), they then have an opportunity to present rebuttal testimony. For rebuttal, the same procedure is used as before (i.e. direct examination⁹ followed by cross-examination), except that during this phase of the hearing, all testimony presented must only be for the purpose of contradicting or rehabilitating the testimony of a previous witness.
- 14** When all testimony has been taken and all evidence entered, the parties should be invited (but not required) to make a closing statement. During the closing statement, each party, or his representative, sums up the evidence, and tries to persuade the elders that his case was stronger than that of his opponent.
- 15** After the parties rest their cases, the elders retire to deliberate. If the matter is complex, the proceeding may be adjourned for the elders to render their decision at a later date; in most cases, however, they return and announce their decision

⁹ Leading questions should not be allowed during a direct examination.

shortly after the hearing. The decision may be made either verbally or in writing, but if given verbally, it should be reduced to writing without delay. The decision should include the elders' findings of fact and conclusions of law, and give a rationale for why the elders ruled as they did.

Judgment, Compliance and Enforcement

Immediately after the elders render their judgment, the party ruled against is required to repent and comply with any orders issued by the tribunal, including orders of restitution. If he refuses to do so, he commits a new offense—that of disobeying the lawful orders of an elder tribunal. This new offense is public in nature because the disobedience is against the public authority.¹⁰ When this occurs, the judging elders are required to inform the body of believers of the respondent's disobedience, and order that he henceforth be treated as one who is no longer a believer:

Matthew 18:17

But if he refuses even to hear the congregation, let him be to you like a heathen and a tax collector.

This is sometimes referred to as a decree of “disfellowship” or “excommunication.”

It is a common misunderstanding that when a brother is excommunicated pursuant to Matthew 18, he must necessarily be ejected from the congregation. On the contrary, after a judgment of excommunication, the former brother must be treated as an unbeliever in every way. Although he must be refused holy communion with the brethren, unless he is also a violator of 1 Corinthians 5:9–13 (walking in immorality while calling himself a believer) or

¹⁰ See Section IV of this Manual: “Responding to Public Offense.”

Titus 3:10–11 (divisive or otherwise harmful to the body), he should be encouraged to attend congregational services and other events where he is likely to hear the Word of God and be encouraged to repent.

One consequence of a Matthew 18 excommunication is that the complainant is released from the constraint of 1 Corinthians 6:1–7, and is free to sue the unrepentant respondent in a secular court. This has special ramifications for believers seeking to divorce their excommunicated spouse.

Another common misunderstanding is that a decree of excommunication applies only to the excommunicating congregation or denomination. Biblically, that is not so. Judgments arising from Matthew 18 proceedings apply across the entire body of believers, and so long as correct biblical doctrine is applied and due process is afforded, congregations of all denominations are biblically required to recognize the judgment. What is more, God Himself recognizes and honors the judgment:

Matthew 18:18

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.

Unfortunately, the current state of the body of believers is such, that a valid excommunication by one congregation is often ignored by others, and excommunicated persons are allowed to re-enter the body without being repentant.

Restoring a Brother to Fellowship

A judgment of “disfellowship” is reversible in the same way as the status of being an unbeliever is reversible. What is required is that the sanctioned brother repent of his former sin, comply with all

orders of the convicting tribunal, and receive Yeshua (Jesus) again as his Lord and savior. Ideally, the same court that ruled previously is convened to judge the repentance and, if it is deemed genuine, the tribunal sets aside its prior judgment and publishes a decree of restoration. This restoration which is bound on earth, is also bound in heaven (Matthew 18:17–20).

When the Offender is You!

Matthew 5:23–24

Therefore if you bring your gift to the altar, and there remember that your brother has something against you, “leave your gift there before the altar, and go your way. First be reconciled to your brother, and then come and offer your gift.


If we know or suspect that we have sinned against a brother, we are not to wait until the brother comes to us (pursuant to Matthew 18:15–17); we are to go to him. Jay Adams has been known to say that ideally, the offender and the offended should meet in the street between their respective homes, each on his way to seek the other. If we believe we have sinned, we must repent. If we conclude that we have not sinned but the brother does not agree, we should invite him to bring one or two witnesses to another meeting, in compliance with Matthew 18:16. The brother may either elect to do so, or choose to overlook what he believes to be your sin.

Pastoral Considerations

Accusations of sin are sometimes sustainable and sometimes not, for both substantive and procedural reasons. In either case, at all stages of the Matthew 18 process, all the parties to a conflict are likely hurting and in need of counsel and personal care. Whether they are the stage two witnesses or the stage three elders, all third parties who have been called to assist should consider, not only the legal aspects of their duties, but also the human and pastoral. Even

if the biblically mandated procedures of fact-finding and judging have been executed flawlessly, the parties may remain unreconciled in their hearts toward one another and may even have developed anger and bitterness toward the decision makers, the witnesses, and the other participants. For this reason, during formal proceedings, everyone should remain aware of how their speech and conduct may be affecting others and, after the proceedings, everyone's attention should turn to evaluating and repairing relationships, and offering help in every appropriate way possible.

Resolving Private Disputes that Do Not Involve Sin

The “Matthew 18” *beit din* previously discussed is for adjudicating accusations of sin. That notwithstanding, not all disputes between believers involve sin, and elders have had jurisdiction to convene *batei din* for resolving disputes of diverse nature ever since Moses' appointment of judicial elders that is recorded in Exodus 18:13–27 and Deuteronomy 1:9–18. Scripture does not give us procedures to follow in convening or leading such *batei din* so, general principles of biblical due process and judicial procedure should be applied. 

IV RESPONDING TO A PUBLIC OFFENSE



A public offense is a sin committed by an individual against society broadly, i.e., against the local congregation, or believers at large. This kind of offense is the biblical equivalent of a criminal violation of secular law.

Public offenses pose a danger to the community, so the primary responsibility of the community's leaders is to protect the flock and minister correction to the offender. The goal here is clearly different than in the case of private offenses, where promoting reconciliation through the Matthew 18 process is paramount.¹¹ The following Scripture reveals how the apostle Paul would deal with one such public offense:

1 Corinthians 5:1–2, 5

It is actually reported that there is sexual immorality among you, and such sexual immorality as is not even named among the Gentiles—that a man has his father's wife! And you are puffed up, and have not rather mourned, that he who has done this deed

11 The author is of the opinion that Matthew 18:15–17 applies exclusively to private offenses in which the complainant is a victim of the perpetrated sin. This is the conclusion of translations influenced by Stephanus' Greek text of 1550 (e.g. King James Version), which includes the Greek words meaning "against you." Translations influenced by the 1881 Greek text of Westcott & Hort (e.g. New American Standard) do not include these words, leading some to conclude that Matthew 18:15–17 applies to all who observe the sin of another, whether or not the observer himself is a victim. The author's conclusion is not based upon preference for Stephanus' text per se, but upon his observation that the alternative would empower any observer of the sin to preempt the victim's prerogatives by prosecuting or forgiving the offender himself.

might be taken away from among you... deliver such a one to Satan for the destruction of the flesh, that his spirit may be saved in the day of the Lord Yeshua.

Prosecuting Public Offenses

An important difference between public and private offenses is that, in the case of public offenses, it is the community's guardians—its elders—who are responsible for correcting wrongs and administering justice (Hebrews 13:17). That notwithstanding, an individual congregant is often the first person to become aware that a public offense has or may have been committed. Although, according to Galatians 6:1–2 he may confront the perpetrator for the purpose of ministering correction and urging his brother to repent, he is not authorized to act for the community in either judging the matter, or deciding what remedial action should be taken. Therefore, in all but trivial cases, the congregant-citizen's duty is to report the suspected offense or the evidence thereof, to the elders.^{12, 13}

The procedure of choice for prosecuting public offenses is a modification of the Matthew 18 process previously discussed for private disputes. In the case of a public offence, however, the complainant is not an individual; rather, it is the corporate body of believers, so the confronters are one or more elders representing the body (Matthew 18:15). If the initial confrontation does not produce repentance, the next step is to meet again, this time taking one or two additional witnesses who should also be elders (Matthew 18:16).¹⁴ If, after this meeting, the elder delegation still believes

12 A gentle covenantal approach to doing this is to urge the offender to go to the elders himself, and confess his transgression. If he is unwilling to do so, he should be invited to be present when the informant tells the elders.

13 According to Deuteronomy 19:15, one may not bring an accusation, except by the testimony of two or three witnesses. This does not preclude one from informing the elders that an offense may have been committed; it does, however, define the level of proof needed for a verdict of "guilty."

14 The reason that the witnesses should be elders, is so that if there is disagreement among them, non-elders will not be put in a position of disputing with elders.

that the accused has committed sin but the accused does not repent, then just as in the case of a private offence, a formal hearing of the *ekklesia* is convened. This conclave consists of the elder witnesses, preferably joined by other elders, which may consist of themselves, or themselves joined by other elders (Matthew 18:17).¹⁵ Then, as in the case of a private offense, if the elders rule against the accused and he does not repent, they are to disfellowship him (declare him an unbeliever) and no longer part of the body of Messiah (Matthew 18:17).

A special case which should be mentioned, is where a person has reason to believe that his brother in the faith has committed a significant trespass against the criminal law of secular society. Although a prudent and covenantal first step would be to consult elders of the body for their wisdom in how to proceed, the informing brother may, nevertheless, go directly to the secular governing authorities, provided his reason for doing so is concern for public safety and to comply with Romans 13:1–7:

Let every soul be subject to the governing authorities. For there is no authority except from God, and the authorities that exist are appointed by God. Therefore whoever resists the authority resists the ordinance of God, and those who resist will bring judgment on themselves. For rulers are not a terror to good works, but to evil. Do you want to be unafraid of the authority? Do what is good, and you will have praise from the same. For he is God's minister to you for good. But if you do evil, be afraid; for he does not bear the sword in vain; for he is God's minister, an avenger to execute wrath on him who practices evil. Therefore you must be subject, not only because of wrath but also for conscience' sake. For because of this you also pay taxes, for they are God's ministers attending continually to this very thing. Render therefore to all

15 The elder-witnesses may try the case themselves without the addition of other elders. Even if they do, this final procedure is not duplicitous, since it is presumed that the first two steps were informal, and did not include the methodical taking of testimony.

their due: taxes to whom taxes are due, customs to whom customs, fear to whom fear, honor to whom honor.

1 Corinthians 6:1–7 does not apply in this case because that Scripture only prohibits suing brothers in the public courts for redress of private grievances:

Compliance and Enforcement

The only proper response for having committed a public offense is to repent and obey all remedial orders issued by congregational leaders or a properly constituted tribunal of elders. Although there is a myriad of possible public offenses that can be committed, there are two categories of them which, if not repented of, result in separation from the body of believers; they are:

- a Sins which can lead to disfellowship.
- b Sins which can lead to being banned from fellowship.

Disfellowship

The first of these categories (also known as *excommunication*) comes about by refusing to repent for a sin after being ordered to do so by an elder tribunal in the aftermath of a Matthew 18 judicial proceeding. In disfellowship, a person, once considered to be a brother in the faith, is no longer treated as such. He is to be treated as an unbeliever and, except in the cases specified below, is not to be shunned or banned from the congregation. On the contrary, he is to be ministered to with Scripture, and continuously encouraged to repent and return to the faith. It is important to emphasize here that disfellowship does not result from the underlying sin itself, but from the disobedience of refusing to repent after being ordered to do so.

Ban from Fellowship

The second of these categories results from five behaviors for which a person must be banned from fellowship with believers:

1 A person considered (or calling himself) a believer, who is in significant sin or is walking in unrepentant immorality.

1 Corinthians 5:1–5

It is actually reported that there is sexual immorality among you, and such sexual immorality as is not even named among the Gentiles—that a man has his father’s wife! And you are puffed up, and have not rather mourned, that he who has done this deed might be taken away from among you. For I indeed, as absent in body but present in spirit, have already judged (as though I were present) him who has so done this deed. In the name of our Lord Yeshua the Messiah, when you are gathered together, along with my spirit, with the power of our Lord Yeshua the Messiah, deliver such a one to Satan for the destruction of the flesh, that his spirit may be saved in the day of the Lord Yeshua.

1 Corinthians 5:9–13

I wrote to you in my epistle not to keep company with sexually immoral people. Yet I certainly did not mean with the sexually immoral people of this world, or with the covetous, or extortioners, or idolaters, since then you would need to go out of the world. But now I have written to you not to keep company with anyone named a brother, who is sexually immoral, or covetous, or an idolater, or a reviler, or a drunkard, or an extortioner—not even to eat with such a person. For what have I to do with judging those also who are outside? Do you not judge those who are inside? But those who are outside God judges. Therefore “put away from yourselves the evil person.”

2 A person who comes preaching a false doctrine of Messiah.

2 John 1:9–11

Whoever transgresses and does not abide in the doctrine of Messiah does not have God. He who abides in the doctrine of Messiah has

both the Father and the Son. If anyone comes to you and does not bring this doctrine, do not receive him into your house nor greet him; for he who greets him shares in his evil deeds.

Galatians 1:8–9

But even if we, or an angel from heaven, preach any other gospel to you than what we have preached to you, let him be accursed. As we have said before, so now I say again, if anyone preaches any other gospel to you than what you have received, let him be accursed.

3 A brother who is disorderly in his lifestyle.

2 Thessalonians 3:6–15

But we command you, brethren, in the name of our Lord Yeshua the Messiah, that you withdraw from every brother who walks disorderly and not according to the tradition which he received from us. For you yourselves know how you ought to follow us, for we were not disorderly among you; nor did we eat anyone's bread free of charge, but worked with labor and toil night and day, that we might not be a burden to any of you, not because we do not have authority, but to make ourselves an example of how you should follow us. For even when we were with you, we commanded you this: If anyone will not work, neither shall he eat. For we hear that there are some who walk among you in a disorderly manner, not working at all, but are busybodies. Now those who are such we command and exhort through our Lord Yeshua the Messiah that they work in quietness and eat their own bread. But as for you, brethren, do not grow weary in doing good. And if anyone does not obey our word in this epistle, note that person and do not keep company with him, that he may be ashamed. Yet do not count him as an enemy, but admonish him as a brother.

4 A divisive person who has been warned twice:¹⁶

¹⁶ *Lashon Hara* (negative speech about another) is inherently divisive unless it is testimony given in the course of a *beit din* or is otherwise authorized.

Titus 3:10–11

Reject a divisive man after the first and second admonition, knowing that such a person is warped and sinning, being self-condemned.

Romans 16:17

Now I urge you, brethren, note those who cause divisions and offenses, contrary to the doctrine which you learned, and avoid them.

5 A rebellious person who scoffs at the Word of God:

Proverbs 22:10

Cast out the scoffer, and contention will leave; Yes, strife and reproach will cease.

In the first and third cases, the danger to the body comes from the offender holding himself out, or being considered to be, part of the body of Messiah while being in significant unrepentant sin, professing heretical doctrines, or walking in a disorderly manner. While these behaviors are expected of unbelievers, a believer or professing believer with such characteristics brings discredit to the body and can also be a stumbling block for new believers who are not yet fully disciplined, and whose discernment is not yet fully developed.

The second, fourth, and fifth cases apply to all persons (whether or not members of the body of Messiah) who come preaching false gospels of Messiah, are rebellious to authority, or are divisive and sow discord. Their actions are dangerous to the believing community, and those who practice those things must therefore be excluded from fellowship.

Extent and Limits of a Ban

Being banned from fellowship is not the same as being shunned. Shunning (as practiced in some Christian sects) requires that the

body of Messiah break all contact (religious and otherwise) with the individual under discipline. This prevents members of the body from ministering to him and urging him to repent. It is the author's opinion that while there are rare extreme cases of spiritual and even physical danger that require total shunning, the ban required by Scripture is from normal fellowship only. A person under a ban should therefore be excluded from attending religious services, ceremonies, observances, home gatherings of believers, and table fellowship; that notwithstanding, except in extreme cases, the ban does not require total avoidance. A believer can, for example, work alongside a banned individual, greet him and inquire as to his and his family's welfare, pray for him, and urge him to repentance.

Restoration from Disfellowship and the Ban

Repentance restores the believer who has been disciplined to fellowship, and the unbeliever to being welcome once again. Restoration is not automatic, however, for whether or not an offender's repentance is genuine is a matter to be decided by the same congregational elders who judged and disciplined him originally.

Accusations Against Elders

Some believe that Scripture establishes a more stringent standard for bringing an accusation against an elder; otherwise, it might be asked, why were the following verses written by Paul?

1 Timothy 5:19–20

Do not receive an accusation against an elder except from two or three witnesses. Those who are sinning rebuke in the presence of all, that the rest also may fear.

Actually, the foregoing Scripture establishes the same standard for bringing an accusation against an elder as does Deuteronomy 19:15

which applies to an accusation brought against anyone else. A plausible explanation for why there exists a special Scripture for elders, is that the verses which precede 1 Timothy 5:19 speak of the awesome responsibility which leaders have to their flock. The flock is therefore exhorted to obey their leaders so as to assist them in performing their function with joy. Because leaders are highly visible and their actions sometimes controversial, they are specially vulnerable to accusations and criticisms in the form of whispers or gossip. These are damaging to an elder's reputation and ability to lead, and so the above verses of Scripture are a reminder to us that we must apply to our elders, the same high standard that we apply when we bring public accusations against others. 📄


V APPEALING DECISIONS



Unless a congregation's eldership is subject to denominational or apostolic oversight, the only practical way to appeal a decision of an elder tribunal is to lodge a Matthew 18 complaint against the tribunal itself and hope that there exists an appropriate authority that will hear it. Such an appeal must allege that the wrong decision was the result of sin or legal error on the part of the tribunal; it cannot be based upon mere dissatisfaction with its ruling. We all hope that judicial sin never occurs, but one can conceive of the possibility of miscarriages of justice resulting from denial of due process, undisclosed bias, conflict of interest, misapplication of Scripture, or (God forbid) outright corruption.

Elders sitting as judges are subject to discipline just as everyone else, so if an appeal is sought, the appellant should first return to the tribunal and present his basis for appeal via a Motion to Reconsider (Matthew 18:15).¹⁷ If the motion is denied, he must try once more, this time bringing one or two witnesses (Matthew 18:16). Only after his or her second motion has been denied, is the aggrieved person released to appeal for relief to a more senior or otherwise suitable tribunal if one can be found (Matthew 18:17).

¹⁷ The appellant believes that the tribunal of elders has sinned against him in its ruling.

Finding a suitable appeal tribunal can be a daunting task, because some congregations do not recognize judicial authorities other than their own.¹⁸ Many do, however, and in those cases, there is often an established appeal route to an oversight authority such as a bishop, a presbytery, an apostle, a *bet din*, or a ministry association. In such a case, it is usually sufficient for the appeal to allege error,¹⁹ not sin, on the part of the original tribunal and, even if the oversight authority does not have a standing appellate body, the appellant may be successful in having one specially convened. 

18 Some don't even recognize their own.

19 A true appeal does not retry the facts of the case; the appellate tribunal reviews the original proceeding to determine whether there existed an error of procedure or Scriptural application (law) that should either cause a reversal of the original ruling or a new trial.

VI HANDLING CONFLICT OUTSIDE THE BODY OF BELIEVERS



In disputes with non-brethren, the believer is constrained to act biblically, while no such limitation is can be enforced on his opponent. Some may see this as disadvantageous, but it is actually strength because God's peace and wisdom come from submitting one's self to the Word of God.

Proverbs 16:8–9

Better is a little with righteousness, than vast revenues without justice. A man's heart plans his way, But the LORD directs his steps.

To begin with, the believer is not to cause conflict by his own improper conduct. Rather, he is to live in peace with all persons as much as it is possible:

Romans 12:18

If it is possible, as much as depends on you, live peaceably with all men.

Proverbs 16:7

When a man's ways please the LORD, He makes even his enemies to be at peace with him.

Once an issue of conflict has arisen, the believer is not to respond out of vengeance, but out of love:

Romans 12:19–21

Beloved, do not avenge yourselves, but rather give place to wrath; for it is written, “Vengeance is Mine, I will repay,” says the Lord. Therefore “If your enemy is hungry, feed him; if he is thirsty, give him a drink; For in so doing you will heap coals of fire on his head.” Do not be overcome by evil, but overcome evil with good.

As with conflicts between brethren, the exercise of personal forgiveness is mandatory (see “Personal Forgiveness,” supra):

Mark 11:25–26

And whenever you stand praying, if you have anything against anyone, forgive him, that your Father in heaven may also forgive you your trespasses. But if you do not forgive, neither will your Father in heaven forgive your trespasses.

Also, there are occasions when an offense may or should be overlooked:

Proverbs 19:11

The discretion of a man makes him slow to anger, and his glory is to overlook a transgression.

If the offense is not overlooked, the first step in the Matthew 18 process should be considered even though it is not required in disputes with unbelievers.

Scripture also teaches the advisability of settling disputes quickly:

Matthew 5:25–26

Agree with your adversary quickly, while you are on the way with him, lest your adversary deliver you to the judge, the judge hand you over to the officer, and you be thrown into prison. Assuredly, I

say to you, you will by no means get out of there till you have paid the last penny.

If going to your opponent does not solve the problem, suing an unbeliever in the public courts is permitted:

Romans 13:1–2

Let every soul be subject to the governing authorities. For there is no authority except from God, and the authorities that exist are appointed by God. Therefore whoever resists the authority resists the ordinance of God, and those who resist will bring judgment on themselves.

This is especially true since believers are not to judge unbelievers and, besides, it is unlikely that an unbeliever would submit to a court of the brethren:

1 Corinthians 5:12–13

For what have I to do with judging those also who are outside? Do you not judge those who are inside? But those who are outside God judges. ...

The following Scripture is often misunderstood:

Matthew 5:37–41

You have heard that it was said, 'An eye for an eye and a tooth for a tooth.' But I tell you not to resist an evil person. But whoever slaps you on your right cheek, turn the other to him also. If anyone wants to sue you and take away your tunic, let him have your cloak also. And whoever compels you to go one mile, go with him two.

Some would say that this Scripture commands believers to be pacifistic toward those who would hurt them, enslave them, or take their property. To understand this better, let us focus on verse 39:

Matthew 5:39

“But I tell you not to resist an evil person....”

The Greek word for “resist” can refer to passive resistance, but one of its recognized meanings is “to set one’s self against (*Strong’s Greek Lexicon*, word 436)—decidedly, a more aggressive definition. Which definition is meant can be deduced from the next sentence:

“But whoever slaps you on your right cheek, turn the other to him also.”

According to Craig S. Keener, *The IVP Bible Background Commentary*, p. 60, Intervarsity Press (Downers Grove, Illinois: 1993):

“The blow on the right cheek was the most grievous insult possible in the ancient world...” (e.g. 1 Kings 22:24). What the Scripture is actually saying is that we should not retaliate against an evil person. For example, if he tries to provoke us by insulting us, rather than meeting his challenge with our own aggression, we should accept the insult or even a second insult (present our other cheek). This does not mean that we should not protect ourselves from harm either physically or legally.

Matthew 5:40

“If anyone wants to sue you and take away your tunic, let him have your cloak also.”

This is hyperbole which is directed toward our attitude regarding ownership. It teaches that where someone is unjustly suing us, we should prefer to bear the injustice and even give him more than he wants, rather than become a defendant in a law suit.

Matthew 5:41

“And whoever compels you to go one mile, go with him two.”

This is also a teaching about our attitude regarding ownership—in this case, ownership of our time and freedom. It is a reference to the Roman soldier's right to impress a person into service (e.g. Mark 15:21). The Scripture teaches that we should prefer to bear the injustice of servitude, and even give more than required, rather than diminish our witness as ones who, in obedience to God, are called to love our enemies (ibid). 📖

VII SCRIPTURE INDEX



BIBLICAL BOOK	VERSES	PAGE No.
GENESIS	49:16	9
EXODUS	18:13	34
	18:14–26	9, 34
	18:27	34
	22:12–13	28
DEUTERONOMY	1:9–18	9, 34
	9:27	21
	19:15	27, 36, 42
	19:15–18	27
	21:18–21	10
	22:15	28
	32:4	27
JOSHUA	23:2	10
	24:1	10
RUTH	4:1–11	10
1 KINGS	22:24	50

BIBLICAL BOOK	VERSES	PAGE No.
PROVERBS	16:7-9	47
	19:11	21, 24, 28
	22:10	41
MICAH	6:8	27
MATTHEW	5:23-24	33
	5:25-26	48
	5:37-38	49
	5:39-41	49-50
	6:12	16
	6:14-15	16
	18:15	12, 18, 22, 33, 35-36, 45
	18:16	11, 24, 33, 35-36 45
	18:17	11, 25, 31, 33, 35, 37, 45
	18:18	32-33,
	18:19-20	33
	18:21-22	18
	MARK	11:25-26
15:21		51
LUKE	6:27-32	16
	6:37	16
	17:3-4	17
	23:34	16
JOHN	20:21-23	18

BIBLICAL BOOK	VERSES	PAGE No.
ACTS	15:2-6	10
	17:29-30	21
ROMANS	12:18	47
	12:19-21	48
	13:1-2	37, 49
	13:3-7	37
	16:17	41
1 CORINTHIANS	5:1-2	35, 39
	5:3-4	39
	5:5	35, 39
	5:9-11	31, 39
	5:12-13	31, 49
	6:1-7	11, 23, 32, 38
GALATIANS	1:8-9	40
	6:1-2	22, 24, 36
EPHESIANS	4:31	17
	4:32	18
COLOSSIANS	3:13	19
2 THESSALONIANS	3:6-15	40
1 TIMOTHY	5:19	42-43
	5:20	42
TITUS	3:10-11	32, 41

BIBLICAL BOOK	VERSES	PAGE No.
HEBREWS	12:15	17
	13:17	36
1 JOHN	1:9	19
2 JOHN	1:9-11	39

VIII SUBJECT INDEX



SUBJECT	PAGE No.
accusing elders	42–43
appeals	45–46
banning from fellowship	39–42
<i>beit din</i>	25–33
correction, bringing	22–25
criminal acts	37–38
disfellowship	31–32, 38
disorderliness	40–41
divisiveness	40–41
doctrinal error	39–40
due process	27–31
elders, accusing	42–43

SUBJECT	PAGE No.
enforcement	31–32, 38
error, gross doctrinal	39–40
excommunication	31–32, 38
forgiveness	
• judicial	17–19
• personal	15–17
• transactional	17–19
gossip	40–41
hearing procedure	27–31
judgment	17–19, 31–33
.	38–42
judicial forgiveness.	17–19
<i>lashon hara</i>	40–41
libel	40–41
mediation	24–25, 36–37
offenses (sins)	
• overlooking	21–22
• private	13, 21 et seq.
• public.	13, 35 et seq.
overlooking an offense	21–22

SUBJECT	PAGE No.
pastoral considerations	33–34
personal forgiveness	15–17
private offenses	13, 21 et seq.
public offenses	13, 35 et seq.
rebelliousness	41
reconciliation	23, 42
restoration	32–33, 42
revenge	48–50
scoffer	41
sexual immorality	35, 39
slander	40–41
suing in public court	23–24, 49
transactional forgiveness	17–19
unbelievers,	
• conflicts with	47–51
• judging	49
witnesses	24–25, 36–37

