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Introduction

Little has been said or written in recent years concerning church discipline in the Christian congregation, despite the fact that it is a topic about which both the Holy Scriptures and the Lutheran Confessions have much to say.¹ There is no question that the early church practiced church discipline, including excommunication when necessary, and rigorously observed what we today call "close communion."² Excommunication, of course, carried with it exclusion from the Lord's Supper; and some church fathers even urged exclusion from all participation in the worship service.³

What about our own age? Is church discipline, as it is urged in the Scriptures and the Confessions, *passé* at this point in the history of the church? Is it perhaps inconsistent with an evangelical ministry whose primary word must always be absolution and forgiveness? A survey of some thirty denominations conducted already several years ago indicated that little or no church discipline was being exercised within Christendom. More than ten years ago a Lutheran theologian concluded a study of church discipline by saying, "In a curious way the decline in traditional discipline signifies a more proper approach to the church. When all is said and done, the fact that discipline has declined is a blessing, and it ought to remain a peripheral concern."⁴ Such judgments are occasioned no doubt by

¹ In September 1980 the President of The Lutheran Church—Missouri Synod asked the Commission on Theology and Church Relations to prepare a report on church discipline for guidance to the members of the Synod. From time to time the Commission has also received other requests from pastors, congregations, and pastoral conferences for guidance and counsel in this area.

² See footnote 24 in the CTCR's 1983 report on "Theology and Practice of the Lord's Supper," p. 20. Here the Commission, calling attention to Werner Elert's discussion of the term "closed communion" (*Eucharist and Fellowship in the First Four Centuries*, trans. N. E. Nagel (St. Louis: Concordia Publishing House, 1966), pp. 75-83, states: "While the term 'closed communion' has a longer history (cf. Elert, ch. 7) and is regarded by some as theologically more proper than 'close communion,' the latter term, which has been used in more recent history by writers in The Lutheran Church—Missouri Synod, may also properly be employed as a way of saying that confessional agreement must precede the fellowship of Christians at the Lord's Table."

³ For a full discussion of this topic, see Elert, pp. 94-101. Elert also points out that those guilty of gross sins were often called upon to go through long penitential periods after repentance before readmission to the sacrament. Although excommunication obviously includes exclusion from the sacrament also today, there is no Scriptural warrant for either banishment from worship or for "penitential periods" following repentance, and evangelical practice dictates to the contrary.

⁴ Joseph Burgess, "The Decline of Discipline," *Dialog* 12 (1973): 216.

the fact that the very term "church discipline" seems to connote a law-oriented topic. Any talk of admonition, rebuke, "jurisdiction" (a term used frequently in the Lutheran Confessions), excommunication or exclusion is heavily weighted with a law emphasis.

Nevertheless, while church discipline unquestionably includes the use of stern law, it is part of the evangelical, Gospel-centered, Gospel-oriented ministry of the church. Church discipline is one of the ways in which Christians, clergy and laity alike, show the love of Christ to those who have lapsed into some sin or error that might pull them from the side of the Savior.

Of course, if God's will is to be done, more is necessary than that church discipline be acknowledged as part of the evangelical ministry of the church. It must be *carried* on in a manner which indicates that the purpose of discipline is to "gain the brother." To do less involves separation that, while giving the appearance of purifying the church, cannot be pleasing to God.

Assuming that church discipline is incumbent upon the Christian congregation today, many practical questions still arise: Should church members be "dropped from the rolls"? Must excommunication be unanimous? Is it proper for a Christian to "resign" from membership? These and several other questions are discussed at the conclusion of this study.

Church discipline is part of "the office of the keys." The term "the office of the keys" is not found in the Scriptures, yet "keys" are referred to in both testaments as symbols of power. Of Eliakim God says in Is. 22:22, "And I will place on his shoulder the key of the house of David; he shall open, and none shall shut; and he shall shut, and none shall open." Jesus said to Peter, "I will give you the keys of the kingdom of heaven" (Matt. 16:19). The glorified Savior says of Himself in Rev. 1:17-18, "I am . . . the living one; I died, and behold I am alive forevermore, and I have the keys of Death and Hades." The metaphor refers to loosing or locking with keys the chains of sin. The *Small Catechism* speaks of what this power involves in its answer to the question, "What is the Office of the Keys?" It states: "It is the peculiar church power which Christ has given to His Church on earth to forgive the sins of penitent sinners, but to retain the sins of the impenitent as long as they do not repent."

Of course, church discipline is only one part of the office of the keys. This office includes all the powers which the risen Christ has given to His church for the extension of His kingdom—preaching,

teaching, administering the sacraments, as well as exercising church discipline.

What then specifically do we mean by church discipline? We sometimes use the term in a very broad sense to include everything from simply admonition directed to one who is cursing, lying, telling a dirty joke, slandering, gossiping or doing anything that is not in harmony with God's pattern of life for disciples of Jesus, to excommunication or the exclusion of someone from the fellowship of Christ's church on earth.⁵ Usually we narrow the definition and speak of church discipline as the activity of a Christian and/or the Christian congregation in dealing with someone who is involved in what can be either a faith-destroying sin or a faith-destroying error. It is in this narrower sense that we speak of church discipline in this study. Regarding faith-destroying error, we should note that where Christian admonition has been administered because of doctrinal error, only those are ultimately to be excluded from the congregation who persistently adhere to an error which threatens the very foundation of faith.

When we speak of faith-destroying sin or faith-destroying error, we must bear in mind that *any* persistent sin can lead to exclusion from the fellowship of God's family, for it is not the sin but the impenitence regarding the sin that damns. Judas, whose sin was no "greater" than that of Peter, lost his soul because he despaired of God's mercy and died without repentance.⁶ On the other hand, David, guilty of the heinous sins of adultery and murder, acknowledged his sin, sought pardon and immediately heard God's word of absolution through the prophet Nathan.

⁵ In the broader sense of our definition of church discipline we note that the apostle Paul confronted Peter, "opposed him to his face" (Gal. 2:11), when Peter withdrew and separated himself from the Gentiles at the coming of the Judaizers who would have objected to his eating with those Gentiles. Both Peter and Barnabas "were not straightforward about the truth of the gospel" (verse 14), and Paul let them know it.

It should also be stated here that this document does not take up or discuss the Scripturally mandated concern for purity of teaching incumbent upon all Christians, including ecclesiastical leaders charged with the supervision of the doctrine and life of those in the professional ministries of the church (e.g., 2 Tim. 1:13-14). Procedures for such discipline are outlined in the *Handbook* of the Synod and have to do only with membership in and professional service to the church body. Depending on the circumstances, one may forfeit professional status and even membership in the congregation and church body without being subject to the congregational verdict of "heathen man and a publican" (Matt. 18:17 KJV). This subject is discussed later in question five.

⁶ Ap XII, 8.

I. Church Discipline Is a God-Given Duty

A. Church Discipline in the Scriptures

In the Scriptures the Lord calls on the Christian congregation to exercise church discipline, including the ultimate step of excommunication. But He makes it clear that the congregation is to carry out such discipline evangelically and with its Gospel purpose ever in mind, namely, the repentance and salvation of the sinner. The passage of Holy Scripture most closely associated with church discipline is Matt. 18:15-18, where the Lord Jesus tells us what to do "if your brother sins against you." The text reads: "If your brother sins against you, go and tell him his fault, between you and him alone. If he listens to you, you have gained your brother. But if he does not listen, take one or two others along with you, that every word may be confirmed by the evidence of two or three witnesses. If he refuses to listen to them, tell it to the church; and if he refuses to listen even to the church, let him be to you as a Gentile and a tax collector. Truly, I say to you, whatever you bind on earth shall be bound in heaven, and whatever you loose on earth shall be loosed in heaven."

This passage will be examined later in our study in connection with the manner in which church discipline is to be carried out. It should be emphasized at the outset, however, that the obvious intent of the entire procedure is reconciliation, gaining the fellow Christian. This passage is preceded by the parable of the lost sheep, and the Savior says in verse 14, "So it is not the will of my Father who is in heaven that one of these little ones should perish." Immediately following His words of instruction on church discipline the Savior reminds Peter of his obligation to forgive his brother "seventy times seven" and then goes on to tell the parable of the merciless servant.

Other passages in the Scriptures and many Scriptural examples teach that church discipline is to be exercised in an evangelical manner. This evangelical emphasis is evident in Luke 17:3-4: "Take heed to yourselves; if your brother sins, rebuke him, and if he repents, forgive him; and if he sins against you seven times in the day, and turns to you seven times, and says, 'I repent,' you must forgive him." The apostle Paul severely rebukes those in the church at Thessalonica who were idle busybodies, not doing any work. "Now such persons we command and exhort in the Lord Jesus Christ to do their work in quietness and to earn their own living" (2

Thess. 3:12). The apostle then continues, "If any one refuses to obey what we say in this letter, note that man, and have nothing to do with him, that he may be ashamed" (v. 14). However, the apostle adds this fraternal and evangelical word: "Do not look on him as an enemy, but warn him as a brother:" (v. 15)

The situation in Corinth was more serious. "It is actually reported that there is immorality among you, and of a kind that is not found even among pagans; for a man is living with his father's wife. And you are arrogant! Ought you not rather to mourn? Let him who has done this be removed from among you" (1 Cor. 5:1-2). At the end of this brief chapter Paul repeats the order, "Drive out the wicked person from among you" (v. 13). He castigates the church in Corinth for closing its collective eyes to this immorality. With such neglect they have done damage not only to the soul of the one who had fallen in sin but also to the cause of edifying the Christian congregation itself.

Perhaps the most prominent case of church discipline recorded in Scripture is that of the prophet Nathan's dealing with King David after he had fallen into the sins of adultery and murder. The confrontation is recorded in 2 Samuel 12. The prophet told David the parable about a lamb of a poor man that was taken by a rich man for use at his own banquet. David, thinking that this was an account of an actual incident, was incensed and ordered that the offender be put to death. Nathan's response was devastating: "You are the man" (2 Sam. 12:7). The prophet applied the parable to David's theft of Uriah's Bathsheba and to the senseless killing of the innocent husband. Upon David's confession, Nathan brings this word of absolution, "The Lord also has put away your sin; you shall not die." (v. 13)

In the Revelation to John the glorified Lord Jesus chastises Pergamum and Thyatira for their failure to exercise church discipline. They have among them those who are teaching faith-destroying error. They have among them those who are living immoral lives. "I have a few things against you" (Rev. 2:14). You permit these things to go on without decisive action. "Repent then" (v. 16). Such a rebuke reminds us of the stern word given to Ezekiel: "If I say to the wicked, 'You shall surely die,' and you give him no warning, nor speak to warn the wicked from his wicked way, in order to save his life, that wicked man shall die in his iniquity; but his blood I will require at your hand." (3:18; cf. Is. 58:1-2; 1 Thess. 5:14)

Those who oppose all forms of church discipline, and particularly

excommunication, point to Jesus' words in Matt. 7:1-2: "Judge not, that you be not judged. For with the judgment you pronounce you will be judged, and the measure you give will be the measure you get." From the Scriptural record elsewhere it is obvious that the Lord is not hereby excluding all judging. Not only the church but also the state has the duty and right to judge and to punish (Rom. 13:1ff). The context makes it plain that the Lord was condemning a spirit of self-righteousness and/or judging on the basis of external appearance, something that he speaks to also in John 7:24: "Do not judge by appearances, but judge with right judgment."

B. Church Discipline in the Lutheran Confessions

The Lutheran Confessions have much to say not only regarding the office of the keys in general but also regarding church discipline in particular: In the *Smalcald Articles* Dr. Martin Luther distinguishes excommunication, which "excludes those who are manifest and impenitent sinners from the sacrament and other fellowship of the church until they mend their ways and avoid sin," from that "greater excommunication" of the pope which imposed civil penalties in addition to the spiritual. The former Luther calls "truly Christian." (SA III, ix)

Who is to be disciplined and ultimately, if necessary, excommunicated? "The openly wicked and the despisers of the sacraments are excommunicated" (Ap XI, 4).⁷ What is significant here is not only that excommunication is carried out when necessary but also that "the despisers of the sacraments" are specifically mentioned as those who ultimately must be separated from the fellowship of the church. The statement is made in connection with the discussion on confession and after the statement that the Lutheran clergy instructed the people "about the worth and fruits of the sacrament in such a way as to invite them to use the sacraments often." In other words, not only those who were living in scandalous sin but also those who saw no need for the continual refreshment offered by the Savior in the sacraments were excommunicated by the church of the Reformation.

Indeed, Melancthon states in the *Treatise on the Power and Primacy of the Pope* that "the Gospel requires of those who preside

⁷ Latin: "*Denuntiatur et excommunicatio flagitiosis et contemptoribus sacramentorum.*"

over the churches that they preach the Gospel, remit sins, administer the sacraments, and, in addition, exercise jurisdiction, that is, excommunicate those who are guilty of notorious crimes and absolve those who repent." (*Treatise*, 60)

In the *Apology of the Augsburg Confession* this power is designated as the power of bishops: "... a bishop has the power of the order; namely, the ministry of the 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." Of course, a bishop is not to behave like a tyrant. "But he has a definite command, a definite Word of God, which he ought to teach and according to which he ought to exercise his jurisdiction." (Ap XXVIII, 13-14)

In specifying that bishops have the right of jurisdiction, the confessors hasten to add that this is not a power given to bishops alone. "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" (*Treatise*, 74). Furthermore, when speaking of the power of bishops, the Confessions warn against "violent use of the ban" (AC XXVIII, 2) and complain about the "unjust excommunication" of kings and "especially of the emperors of Germany." (*Treatise*, 35)

We ought not interpret these confessional statements regarding the power of bishops and pastors as teaching that those who have been given authority over the churches thereby have the right to excommunicate unilaterally. True, the call of the Christian pastor confers the authority Jesus gave in John 20:23: "... if you retain the sins of any, they are retained." Yet, as the Lutheran Confessors make clear, the entire congregation is involved, for "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." (*Treatise*, 24)⁸

Though both the Holy Scriptures and the Lutheran Confessions indicate that church discipline is a duty of the Christian congregation, church discipline dare not be made one of the marks of the church.

⁸ Cf. Thesis IX of C.F.W. Walther's theses on church and ministry in *Selected Writings of C.F.W. Walther: Walther and the Church*, trans. John M. Drickamer and ed. Aug. R. Suelflow (St. Louis: Concordia Publishing House, 1981), pp. 105-109.

The marks of the church remain the pure preaching of the Gospel and the proper administration of the holy sacraments (AC VII, 1). Therefore, among the erroneous teachings of the Schwenkfelders rejected and condemned by the *Formula of Concord* is the proposition "that it is no true Christian congregation in which public expulsion and the orderly process of excommunication do not take place" (FC Ep XII, 26). It is one thing to describe church discipline as a duty of every Christian congregation. It is quite another to deny the existence of the church where through ignorance or other deficiency Christian discipline is not exercised by Scriptural standards or is not exercised at all.

Thus the Confessions, too, call for the full exercise of the keys, which belong to the whole church but warn against unjust excommunication and reject any notion that the lack of church discipline of itself indicates the absence of a true Christian congregation.

II. Church Discipline Has Evangelical Purposes

Church discipline seeks not the damnation but the salvation of the sinner. This is evident in the classic example of the incestuous man in the congregation at Corinth. The apostle calls upon the church "to deliver this man to Satan for the destruction of the flesh, that his spirit may be saved in the day of the Lord Jesus" (1 Cor. 5:5). Whatever the implications of "the destruction of the flesh," the congregation was to exclude this person from fellowship, thus turning him over to Satan, but in the hope that through such a frightful action he might see the horror of his sin, repent and thus be saved "in the day of the Lord Jesus." The same apostle uses similar language when he speaks of Hymenaeus and Alexander who "made shipwreck of their faith" (1 Tim. 1:19). Both of them "I have delivered to Satan that they may learn not to blaspheme" (v. 20). It is obvious that much more is involved here than a relationship with an outward, visible congregation. At stake is the relationship with the Lord Jesus Christ. The purpose of church discipline is that by this extreme action the sinner might be led to repent and say, "God be merciful to me, a sinner" and receive again with joy the Savior's forgiveness and absolution.

A second evangelical purpose of church discipline is that it serves as a warning to others. St. Paul has this purpose in mind when he says, "As for those who persist in sin, rebuke them in the presence of all, so that the rest may stand in fear" (1 Tim. 5:20). What happens in congregations where "the openly wicked" are not rebuked? Another member of the congregation, noting that the sins of others go unrebuked and uncondemned is tempted to the same sin. "A little leaven leavens the whole lump" (1 Cor. 5:6). It is then not just for the benefit of the unrepentant that church discipline is exercised. It also is to be carried out so that others within the Christian congregation may realize that if they fall into the same sin and continue to live without repentance, they will also fall into the same condemnation and judgment. Indeed, it is a frightful thing to contemplate that those whom we fail to warn will be consigned to the fires of hell. God's Word in Ez. 3:18 is plain, "If I say to the wicked, 'You shall surely die,' and you give him no warning, nor speak to warn the wicked from his wicked way, in order to save his life, that wicked man shall die in his iniquity; but his blood I will require at your hand." The command to admonish and even to excommunicate is as necessary,

so Luther frequently reminds, as the commands not to kill or to steal; if for any reason the duty to admonish is neglected, then not life or property but the salvation of the soul is in danger.

Hand in hand with this evangelical purpose of church discipline is a third, namely, the purifying of the church to the glory of God. On many occasions in the Old Testament the Lord reminded His people to "purge the evil from the midst of you" (Deut. 13:5; 17:12). To practice abominable customs and to neglect discipline was for them to forget the message of Jahweh, "I am the Lord your God." (Lev. 18:30)

These evangelical purposes are reminders of the duty and joy of receiving the repentant sinner back into communion with the congregation. The apostle Paul says to the same congregation in Corinth which he has chided for lack of discipline that they are not to forget to forgive the one who returns:

But if any one has caused pain, he has caused it not to me, but in some measure—not to put it too severely—to you all. For such a one this punishment by the majority is enough; so you should rather turn to forgive and comfort him, or he may be overwhelmed by excessive sorrow. So I beg you to reaffirm your love for him. For this is why I wrote, that I might test you and know whether you are obedient in everything. Any one whom you forgive, I also forgive. What I have forgiven, if I have forgiven anything, has been for your sake in the presence of Christ, to keep Satan from gaining the advantage over us; for we are not ignorant of his designs. (2 Cor. 2:5-11)

Whether the apostle is here referring to the repentance of the incestuous man of whom he wrote in the fifth chapter of his first letter or not, it is obvious that he is urging the congregation to exercise firm discipline toward the unrepentant but also forgiving love toward the repentant. Any Christian congregation that has the privilege of welcoming back such a repentant sinner into its fellowship will never question the value of church discipline and even of excommunication. It will have seen the blessed purposes of church discipline fulfilled in the lapsed sinner who has returned to the Lord and to the fellowship of the Christian congregation.

To speak of the evangelical purposes of church discipline is to repeat once again the importance of carrying out this discipline evangelically. People are not to be forced to go to communion, as though the very act of communing is sufficient to keep them "on the rolls." They dare not be neglected by simply sending them letters to

indicate that their names have been dropped from the membership rolls. Evangelical discipline requires that any communication by letter be done in the context of personal visitation. Letters notifying members of impending action may even be personally delivered, thereby affording another opportunity to restore another to the fellowship of the congregation. Dr. Luther's words from the *Large Catechism* are most appropriate: ". . . no one should under any circumstances be coerced or compelled, lest we institute a new slaughter of souls. Nevertheless, let it be understood that people who abstain and absent themselves from the sacrament over a long period of time are not to be considered Christians. Christ did not institute it to be treated merely as a spectacle, but commanded his Christians to eat and drink and thereby remember him." (LC V, 42)

III. The Decline of Church Discipline

There is evidence that the proper exercise of church discipline has declined within congregations of The Lutheran Church—Missouri Synod in the last decades. At a time when the number of divorces is escalating also within the community of believers, when many reject any objective moral code, and when back door losses continue to plague the church,⁹ little if anything is being done in many Christian congregations to provide responsible Christian care and counsel. Pastors do not want to be the “dumb dogs” (Is. 56:10) of which the Old Testament prophets spoke. In many instances they are completely unaware of marital problems, for example, until the announcement of a divorce is made. They are swamped with a counseling load that claims so much of their time and energies. “Delinquent” lists grow. Members who have not attended public worship and the Lord’s Supper, or have not given any other evidence of real discipleship, remain on the roster of the congregation year after year. In other instances such members are simply “dropped” with little or no individual counseling and without real evangelical concern.

Why? Several reasons might be advanced. In some instances there is a complete lack of knowledge and instruction regarding church discipline. Members of the congregation do not understand why church discipline is to be exercised or how it is to be done in a responsible manner. They look upon church discipline as something unkind, not befitting a community which has experienced the love of Christ and which is to reflect that love in relationships with others. They think that to exercise church discipline means simply to “throw them out.” “Don’t we love them?” “Didn’t Jesus forgive?” “Didn’t He forgive the woman taken in adultery and pronounce absolution on the publican?” “Why do we act in such an unkindly way?” These kinds of responses to the responsible efforts of pastors and others to bring Law and Gospel to bear on the hearts of the Lord’s people represent a complete misunderstanding of what church discipline is all about and why it is to be done. Pastors therefore do well before instituting any procedure of church discipline to use the pulpit, Bible classes, and other forums in order to present

⁹ See Alan F. Harre, *Close the Back Door* (St. Louis: Concordia Publishing House, 1984), pp. 67-87.

in a clear way the Scriptural and confessional principles regarding church discipline that are responsible and caring. When God's people are properly instructed they will not be turned off by the term "church discipline." They will come to see that when it is exercised rightly for the sake of the Gospel and for the salvation of the sheep of Christ, it is an act of Christian love. At times the highest act of love is to say, "Unless you repent, you will perish."

In addition to widespread ignorance of the subject, the spirit of our times is no doubt a factor contributing to the decline in the exercise of church discipline. Christians today are bombarded with the philosophy of pleasure seeking which says, "If it feels good, do it." This way of thinking comes to them via mass media and over the casual cup of coffee with friends and co-workers. Such a philosophy looks upon any use of the Law as legalism. But such viewpoints are based on a complete misunderstanding of the purpose and use of the Law. (It is not using the Law that is to be counted as legalism. Legalism is the *wrong* use of the Law. Legalism refers to the use of the Law when the Gospel ought to be applied.)

Pastors may be just as guilty of neglect in this area as the laity. They may hesitate as they reflect on their own sins and are accused by their own conscience. "Who am I to take action against another when I have such a burden of my own faults?"

Still another reason for the decline of church discipline is to be found in a fear of criticism or in the fear of the loss of members. "What will people think of us" if we really begin to get serious also in this aspect of our life together? How can we attract people to the Gospel of the Lord Jesus Christ when we appear loveless in our attitude even toward those who are members of the church? Won't people go elsewhere if their doctrine or morals are questioned by the church? Isn't it better for the sake of our ministry to them to forget about church discipline? At least then we will have *some* chance of gaining them for Christ. A few minutes' reflection should reveal the fallacy of such points of view. We dare never base our course of action on what others may think rather than on a genuine concern both for the will of the Lord and for those whose souls are, by virtue of their sins, in jeopardy.

IV. The Proper Conduct of Church Discipline

The proper conduct of church discipline begins with each individual Christian. It ought to begin with prayer and self-examination. The apostle Paul reminds us in Gal. 6:1, "Brethren, if a man is overtaken in any trespass, you who are spiritual should restore him in a spirit of gentleness. Look to yourself, lest you too be tempted. Bear one another's burdens, and so fulfill the law of Christ." Matt. 7:1-5, referred to earlier in this study, warns against the danger of self-righteous and uncharitable judging. It is imperative that we first of all search our motives and seek prayerfully only the good of the brother or sister who is "overtaken in a fault."

Pastors especially must be free of uncharitable judging. It is not the duty of the pastor to root out the sins of the members of his flock. Nor dare he follow up ugly rumors and gossip that are brought to his attention by others. Gossip which parades the alleged sins of others before the pastor is in itself a sin and is to be dealt with as such. Those who peddle such reports are to be challenged to face the one whom they have accused, and their allegations should be ignored if the challenge is refused. Many souls have been damaged and the witness of the church soiled by such irresponsible behavior on the part of those who claim the name of Christ.

Luther sharply censures such gossip, whether by pastor or laity, in the *Large Catechism*:

Those are called backbiters who are not content just to know but rush ahead and judge. Learning a bit of gossip about someone else, they spread it into every corner, relishing and delighting in it like pigs that roll in the mud and root around in it with their snouts. This is nothing else than usurping the judgment and office of God, pronouncing the severest kind of verdict and sentence, or the harshest verdict a judge can pronounce is to declare somebody a thief, a murderer, a traitor, etc. Whoever therefore ventures to accuse his neighbor of such guilt assumes as much authority as the emperor and all magistrates. For though you do not wield the sword, you use your venomous tongue to the disgrace and harm of your neighbor. (LC I, 267-68)

Any legalistic action by pastor or congregation does violence to the soul of another; causes offense in the congregation, disdain in the community, and therefore harm to the cause of the kingdom of

God. Examples of such legalism include "dropping" members from the church rolls without fraternal exhortation, arbitrary use of constitutional requirements for membership without consideration of individual circumstances, unnecessary publicity given to the sins of members (see comments later on legal ramifications), and in general a disregard or abuse of the steps of church discipline mandated by the Lord of the church.

A word is in order regarding each of the three steps of church discipline outlined in Matt. 18:15-17. The first step prescribed by our Lord is, "If your brother sins against you, go and tell him his fault, between you and him alone. If he listens to you, you have gained your brother" (Matt. 18:15). Each Christian is hereby reminded, "Remember, this is a fellow sinner for whom Christ died. No concern of yours? Of course he is. He is just as much concern of yours as is the person who has never heard of Jesus Christ, His love, His cross, and His salvation." All people are our concern, and especially "those who are of the household of faith" (Gal. 6:10). That concern may mean that we confront the one who has fallen on *many* occasions with regard to his sin. Nowhere does the Savior hint that this procedure is to be followed only once. It is only when the Christian is convinced that nothing more can be done in the one-on-one confrontation that is he at liberty to reveal the matter to others.

The reason for the second step, "But if he does not listen, take one or two others along with you, that every word may be confirmed by the evidence of two or three witnesses" (Matt. 18:16), is evident from the last part of the verse. There is to be no doubt about what was said or done. More than one person is required if ultimately charges are to be brought. This precept goes back to the days of the Old Testament when the Lord instructed His people, "A single witness shall not prevail against a man for any crime or for any wrong in connection with any offense that he has committed; only on the evidence of two witnesses, or of three witnesses, shall a charge be sustained" (Deut. 19:15). Similar expressions are found elsewhere in the Old Testament. In addition, the presence of others indicates that the original visit by a fellow Christian to the one who has sinned was prompted neither by malice nor caprice but by the genuine desire to reclaim the brother or sister.

Ordinarily the third step, "If he refuses to listen to them, tell it to the church; and if he refuses to listen even to the church, let him be to you as a Gentile and a tax collector" (Matt. 18:17) takes place in our

modern day voters' assembly, the group usually charged with administering the spiritual and temporal affairs of the congregation. It is important that the person who is being dealt with has indeed been informed that the matter is being brought to the attention of the congregation and that a proper invitation to that person has been issued and received. This is why it is customary to send such a notice and invitation by way of registered mail. Furthermore, accurate minutes are essential in the event that anything that transpires in the meeting with the offender is called into question. The advice of the fathers to review the minutes of the meeting prior to adjournment is a wise one. This gives all the opportunity to make sure that a faithful record has been maintained and to do this while the matter is still clearly in mind.

It should be added that, if the offender has indeed been "gained," the church has a right to expect "fruit that befits repentance" (Matt. 3:8). Those who confess wrongdoing and express repentance are called upon "to make right the evil" to the best of their ability. The repentant thief vows to return that which was stolen. The person who has obtained an unscriptural divorce has the obligation to do everything possible to restore the marriage. The member who has in the past neglected the means of grace shows repentance by faithful attendance at God's house and in the support of the work of the church.

Any "repentance" that expects forgiveness without corresponding change in life is a sham repentance and hypocrisy. The *Apology of the Augsburg Confession* says in this connection, "Christ frequently connects the promise of forgiveness of sins with good works. He does not mean that good works are a propitiation—for they follow reconciliation— but he does so for two reasons. One is that good fruits ought to follow of necessity, and so he warns that penitence is hypocritical and false if they do not follow" (Ap IV, 275). The *Apology* says elsewhere:

There can be no true conversion or contrition where mortifying the flesh and good fruits do not follow. True terrors and sorrows of the soul do not permit the indulgence of the body in lusts, and true faith is not ungrateful to God or contemptuous of his commandments. In a word, there is no penitence inwardly which does not produce outwardly the punishing of the flesh. This, we say, is what John means when he says (Matt. 3:8), "Bear fruit that befits penitence," and Paul when he says (Rom. 6:19), "Yield your members to righteousness," and elsewhere (Rom. 12:1), "Present your bodies as a living sacrifice, holy," etc. When Christ says (Matt.

4:17), "Be penitent," he is surely talking about total penitence and total newness of life and fruits. (Ap XII, 131-32)

A final word is in order regarding the exercise of church discipline. Quite obviously, if the sin is one that is known throughout the community, for example, listed even in the newspaper, it may be not necessary for the first two steps outlined in Matthew 18 to be followed. The matter can perhaps be brought immediately to the attention of the congregation. (LCI, 284) Nevertheless, Dr. Walther reminds us in his *Pastorale* that "as always, so here, too, love is the highest law. If love to the offender demands first of all a private admonition, even though the offense be public, the practice of acting in a public manner would constitute a grave injustice."¹⁰

¹⁰ C. F. W. Walther, *Amerikanisch-Lutherische Pastoraltheologie* (St. Louis: Concordia Publishing House 1897), p. 326. See John H. C. Fritz *Pastoral Theology*, 2d ed., rev. (St. Louis: Concordia Publishing House, 1945), p. 232.

V. Specific Questions Regarding Church Discipline in the Christian Congregation

1. What is the role of the pastor in church discipline?

The pastor's role varies. Members will approach him with problems, reports, or gossip. What course should they pursue with one who has grieved them? What, if anything, should be done with gossip about themselves or others? In answering these and similar questions, the pastor serves as counselor to his flock, directing them on the basis of Holy Scripture in their dealings with fellow Christians.

In some cases, for example, when a member of the congregation has been guilty of sin against him personally, when one despises the means of grace, or persists in seeking an unscriptural divorce, the pastor may be involved from the very first step of discipline.

Officially, the pastor is more frequently a part of church discipline at the time when the problem and/or sin is reported to him, God's undershepherd, for transmission "to the church."

2. May a pastor suspend a person from communion?

Although a pastor may not himself excommunicate without the congregation, he may, in the interest of a person's spiritual welfare, refuse to commune one whose presence at the altar would be a source of offense to other members of the congregation, or one living in unrepentant sin who is still being dealt with on a personal basis by himself or others. If, for example, a member has embezzled church funds and the matter is known but the problem has not been resolved (there has been neither absolution on the one hand nor excommunication on the other), the pastor may insist that the party involved absent himself from the table of the Lord. This suspension must always be temporary, however, until the matter has been resolved in one way or the other. Any appeal from such suspension must be acted on properly by the congregation, with the party involved, by virtue of the appeal, thereby forfeiting any privacy that may have previously been his. Obviously the pastor has no right to suspend a member simply because the member has disagreed with him, for example, in some matter of church polity where the Word of God has not spoken.

3. Does excommunication have to be unanimous?

Our synodical fathers argued in the affirmative, pointing out that since such a verdict, reached on the basis of a clear Word of God and representing God's own judgment on the sinner, must be accepted by every Christian and that any who might vote against such action be dealt with (if necessary, excommunicated themselves) before the matter in question is resolved.¹¹

Although ideally all members will see the justice of what has been resolved (assuming that the congregation has acted on the basis of the Word of God, and the lack of repentance on the part of the one being dealt with is evident), we believe that excommunication may be carried out without unanimous vote. Shall the ignorance and/or weakness of any dissenting member invalidate either the verdict of the Lord through His church or their own eternal salvation? In all such instances, of course, those not in agreement should be dealt with evangelically in the hope of persuading them that the action of the congregation was truly Scriptural. And if it is evident that a congregation is not sufficiently instructed, with the result that a considerable number would at the time not be ready to favor excommunication in any case, the action should be postponed until such instruction can have its good effect.

4. Is it proper to speak of "self-excommunication"?

This term is sometimes used by congregations to describe the refusal of those who are being dealt with in Christian discipline to receive further admonition and who sever their connection voluntarily with the church. Strictly speaking, only the congregation can excommunicate an unrepentant sinner. "Self-exclusion" is perhaps a better term. In any event, although the congregation should not be informed of the specific sin in such cases, it should be informed that such self-exclusion has taken place and should be advised of the seriousness of such action for the spiritual lives of those involved.

5. What is the difference between removal from office (in the case of called workers in the church) and excommunication?

There is a substantial difference. Pastors, teachers, and others engaged in the work of the ministry may, for unbecoming

¹¹ Expulsion of an individual who defends another who is being expelled has been found by the court to constitute "malice." See *Brewer v. Second Baptist Church*, 32 Cal. 2d 791, 197 P2d 713 (1948).

conduct, be removed from office. If repentant, they are joyfully forgiven and welcomed at the table of the Lord, even though they may have necessarily forfeited their office. Adherence to false doctrine is cause for severing fellowship with the offender but does not necessarily involve excommunication, unless such adherence and false doctrine should involve faith-destroying error.

6. May excommunication be looked upon as God's verdict upon the sinner?

Yes, assuming that the excommunication was resolved on the basis of the Word of God. Jesus' words to His disciples, "If you forgive the sins of any, they are forgiven; if you retain the sins of any, they are retained" (John 20:23), obviously apply to both keys. Therefore the binding word is as sure as the absolving word. Of course, considered temporally, excommunication is only a ratification of the prior verdict of God.

7. What is the proper course of action for a congregation which receives an application for membership from one who has been excommunicated elsewhere?

The prospective member should be directed to his/her former congregation for proper resolution of the matter. A congregation should not act unilaterally in instances where fellow Christians elsewhere have previously acted. If there is repentance, the former congregation acts to receive the person with Christian joy and then transfers him/her to the congregation where application has been made.

If there is evidence that another congregation in fellowship has acted without Scriptural warrant or has not followed proper procedure, the matter should be resolved by the two congregations involved after consultation with church officials.

8. Is the statement "Public offense must be publicly removed" valid?

Christian kindness and forbearance are always the firm orders for God's people. No more publicity than is necessary should be given to either the offense or its removal. To the extent that the sin was known by the congregation, the removal of the offense should also be revealed so that God's people, who were wounded by the action, may rejoice at a God-pleasing solution. It is self-evident that any "pound of flesh" mentality is to be avoided and condemned.

Above all, any activities dealing with excommunication or

its removal are the business of the church and are not to be publicized to the unbelieving world.

9. Is there appeal from an unjust excommunication?

Yes. Provisions for such an appeal, which should be made first to the circuit counselor, are provided in the bylaws of the Synod (Section VIII of the 1983 *Handbook*, pp. 187-199).

10. What legal considerations should be taken into account by the congregation in its exercise of church discipline?

- a. The courts will normally not interfere in church discipline matters. This is not only because of the strong emphasis on the separation of the church and state in the United States, for instance, but also because the courts have generally held that members of a church have voluntarily submitted themselves to the authority of the church, including the authority of the church to discipline its members.
- b. However, the courts may interfere if a church does not follow the procedures for discipline that the church itself has established. For example, if the congregation's constitution requires the voters' action for acceptance or expulsion of members, then expulsion cannot occur simply because the pastor or board of elders desires a member to be disciplined.
- c. The courts may interfere if, in the process of exercising church discipline, members of the congregation slander or libel the member disciplined. Slander or libel can occur if untrue statements about the individual under discipline are made, particularly where the statements are made outside of the church disciplinary process. (Of course, Christians should not engage in such gossip or slander wholly aside from whether it might result in court action.)
- d. Following the exercise of church discipline the congregation should simply make an announcement of a member's expulsion. It is improper to make statements describing in detail the conduct for which a member was expelled or to attempt to hurt the former member in connection with his occupation or job. Such activities could result in legal action.

In summary, the individuals and the congregation involved in church discipline would be well advised to forego discussions of the person under discipline except as may be essential to the disciplinary process itself. While the courts grant the individuals exercising disciplinary authority the right or privilege to speak to the individual involved and to

discuss the matter as needed, the courts will not tolerate malicious or frivolous discussion of a person's character or activities outside of proper congregational channels.

11. What is the Christian's responsibility to the person(s) excommunicated?

Because the ultimate purpose of all church discipline is the reclamation and salvation of the sinner, the Christian dare not "wash his hands" when one is excluded. St. Paul's admonition in Gal. 6:1 applies: "If a man is overtaken in any trespass, you who are spiritual should restore him in a spirit of gentleness." And although the context of this verse indicates that the reference is to a fellow member of the congregation, our obligation is no less toward one excluded from the fellowship. We should continue to pray for him/her and to witness to this person as occasion permits. Obviously such continued concern should reflect the spirit of the last words of Gal. 6:1, "Look to yourself, lest you too be tempted."

12. Is it proper for a congregation to delegate to the elders, to the church council, and/or to the pastor the authority to excommunicate?

The question is probably prompted by the desire to give as little publicity to the sin or error as possible (see question 10 on legal considerations). It should be noted that a kind of delegation has already taken place when the voters' assembly, as is generally the case, is authorized to act in the name of "the church." It is no doubt within the power of the congregation to ask the Board of Elders and/or pastor act in its behalf. Whether it is wise to delegate authority in such a serious matter may well depend on the circumstances, but in general this is a questionable practice.