

DISCIPLINARY PROCEDURES IN THE EARLY CHURCH

PROCEDURY DYSZYPLINARNE W KOŚCIELE PIERWOTNYM

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Abstract

The paper refers to numerous documents from the period of the early Church which give testimony to the fact that the Church was never ruled by a charismatic anarchy or boundless democracy. Nevertheless, the data concerning the arrangement of the Church, which is passed on to us through the Scriptures, specifically the New Testament, and the writings of Apostolic Fathers, is not found in the form of a systematic treatise. Rather, it is found occasionally, mostly in connection with resolving some concrete issue. It is therefore necessary to arrange these various mentions in logical accordance with one another. The text of the paper firstly analyzes the issue of charismatic authority which is, above all, described in the Acts of the Apostles, Pauline letters, and especially in the early Christian treatise, the *Didache*. This treatise also mentions the hierarchical duties of the bishops and deacons, which can also already be seen in the New Testament alongside the duties of apostles, prophets, teachers, evangelists and presbyters. Some of the Church offices mentioned have primarily a missionary role, others are established for the pastoral care of existing and stable Christian communities. The Church order described in the eighteenth chapter of the Gospel according to St. Matthew is chiefly addressed to these stable communities. The First Epistle of Clement, written still in the first Christian century, gives testimony to the deposing of presbyters in the Church of Corinth and the intervention of the Roman authority in this dispute. Canon Law, which gradually begun to develop in the Church, followed directly in the footsteps of these disciplinary customs, which we know from early Christian literature.

Keywords: Catholic Church, early Church, apostles, bishops, authority, charisma, mission, discipline, punishing, Jesus, Spirit

Abstrakt

W artykule przywołano liczne dokumenty z okresu Kościoła pierwotnego, które świadczą o tym, że w Kościele nigdy nie panowała ani charyzmatyczna anarchia, ani bezgraniczna demokracja. Niemniej jednak dane dotyczące ustroju Kościoła, które są nam przekazywane poprzez Pismo Święte, zwłaszcza Nowy Testament i pisma Ojców Apostolskich, nie znajdują się w formie systematycznego traktatu. Raczej spotyka się go sporadycznie, głównie w związku z rozwiązaniem jakiegoś konkretnego problemu. Dlatego konieczne jest uporządkowanie tych różnych wzmianek w logicznej zgodności. W artykule w pierwszej kolejności podjęto analizę problematyki władzy charyzmatycznej, opisanej przede wszystkim w Dziejach Apostolskich, listach Pawłowych, a zwłaszcza w traktacie wczesnochrześcijańskim *Didache*. Traktat ten wspomina także o hierarchicznych obowiązkach biskupów i diakonów, które także można dostrzec już w Nowym Testamencie obok obowiązków apostołów, proroków, nauczycieli, ewangelistów i prezbiterów. Niektóre z wymienionych urzędów kościelnych pełnią przede wszystkim rolę misyjną, inne powołane są do opieki duszpasterskiej nad istniejącymi i stabilnymi wspólnotami chrześcijańskimi. Porządek kościelny opisany w osiemnastym rozdziale Ewangelii według św. Mateusza adresowany jest głównie do tych wspólnot stabilnych. Pierwszy List Klemensa, napisany jeszcze w I w. chrześcijaństwa, daje świadectwo o usunięciu prezbiterów w Kościele korynckim i interwencji władzy rzymskiej w tym sporze. Prawo kanoniczne, które stopniowo zaczęło się rozwijać w Kościele, poszło bezpośrednio w ślady tych zwyczajów dyscyplinarnych, które znamy z literatury wczesnochrześcijańskiej.

Słowa kluczowe: Kościół katolicki, Kościół pierwotny, apostołowie, biskupi, władza, charyzma, misja, dyscyplina, karanie, Jezus, Duch

1. Charismatic Authority and its Manifestations

In the Code of Canon Law, the basis for the lasting hierarchical establishment of the Catholic Church is seen in the analogical relationship between a particular historical event and its historical development: “Just as by the Lord’s decision Saint Peter and the other Apostles constitute one college, so in a like manner the Roman Pontiff, the successor of Peter, and the bishops, the successors of the Apostles, are united among themselves.”¹ This shows that the mainstay of the Church’s identity and organization from

¹ *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (25.01.1983), AAS 75 (1983), pars II, p. 1-317; English text: *Code of Canon Law*, Latin-English edition: new English translation, Canon Law Society of America, Washington, DC 1999 [henceforth: CIC/83], Canon 330.

its beginnings has been the apostolate. This is also true of all non-Catholic, especially Eastern churches which have retained apostolic succession and the episcopal office,² even though they lack the Petrine ministry exercised by the papacy. However, when looking back to the very beginnings of the existence of the Church, we are struck by the presence of not only the apostolate, but also of a highly valued prophetic and charismatic element. For example, in the Epistle to the Ephesians, the prophets stand almost manifestly alongside the apostles themselves: “Consequently, you are no longer foreigners and strangers, but fellow citizens with God’s people and also members of his household, built on the foundation of the apostles and prophets, with Christ Jesus himself as the chief cornerstone” (Eph 2:20).³

However, the prophetic element permeating the life of the first Christian generations faded over time. It can thus be assumed that the reference to the Holy Spirit in the fourth century Niceno-Constantinopolitan creed as “speaking by the mouth of the prophets,”⁴ refers solely to the prophets of the Old Testament, whose writings were accepted by the Christian Church and given christological significance. The prophets mentioned in the Epistle to the Ephesians, however, are not to be identified with the prophets writing in the Old Testament. The evidence for this is clearly the context in which they are included in the same epistle and among other ministries in the Church: “so Christ himself gave the apostles, the prophets, the evangelists, the pastors and teachers to equip his people for works of service, so that the body of Christ may be built up” (cf. Eph 4:11-12). These prophets were endowed with the charismatic gift of speaking,⁵ although especially John’s Revelation, as a written record, can give us a glimpse of the nature of such form of New Testament prophecy.⁶ Although the prophets’ statements

² “The guardian and guarantor of this apostolic tradition and teaching is the apostolic succession. The bishop who presides over the Eucharistic assembly is its bearer and must therefore be in communion with the whole Church and appointed/ordained and recognized by her.” [Kryštof 2000, 5].

³ All the biblical quotes are taken from the New International Version, available at: <https://www.biblegateway.com>.

⁴ Denzinger and Hünermann 1999, 84 (DS 150).

⁵ The Czech liturgical translation of the Bible (*Nový zákon. Text užívaný v českých liturgických knihách přeložený se stálým zřetelem k Nové Vulgátě*) aptly calls them “preachers speaking under the influence of inspiration” (*kazatelé mluvící pod vlivem vnuknutí*).

⁶ “As the author of the writings containing the ‘revelation of Jesus Christ’ (Rev 1:1), John understands his role as the one who lists and writes down a series of visual and aural

certainly bore the stamp of ecstatic utterances as well, they became a firm part of the normative tradition of the Church. It also makes clear that the artificially exacerbated opposition between the charismatic and institutional elements was unknown in the early Church. For example, the apostle Peter, according to Luke's Acts, was endowed with the gift of prophetic exaltation that prompted him to proceed to the historically ground-breaking baptism of the first member of the non-Jewish ethnic group, the Roman centurion Cornelius. In the vision, he is urged to disregard the regulations of the Book of Leviticus regarding unclean foods: in fact, these regulations are seen as an obstacle to the acceptance of Gentiles into Christ's church: "Get up, Peter. Kill and eat. [...] Do not call anything impure that God has made clean" (cf. Acts 10:13.15). There are certainly ecstatic features in Peter's vision, but in the end, the vision itself is entirely normative: it establishes a revolutionary and henceforth binding rule in the Church, exempting its members from the *kosher* dietary regulations.⁷

Peter's charismatic endowment goes hand in hand with his supremacy in the Church; however, many other members of the Church, who may have had similar endowments, were unable back up their prophetic words with such a spiritual authority. Other Christians are to respect their prophecy, but they also need to test it: "Do not quench the Spirit. Do not treat prophecies with contempt but test them all; hold on to what is good" (1 Th 5:19-21). Naive credulity proves misplaced.⁸ In this section, Paul addresses

experiences which the prophetic writings of Israel do not directly quote, but 'assimilate'. He thus overcomes the previous primacy of Israel's prophecy with his own new prophecy, sent in the form of letters to the seven church communities in Asia (Rev 2-3). He is guided by a prophetic spirit, with the 'testimony of Jesus' (the genitive of the subject) which for him is the criterion of true prophecy (19:10)." [Müller 2014, 174].

⁷ "The apostle's reaction is entirely negative. Thus it provokes a statement which comes from a voice from heaven (v. 15), with which the scene culminates: the law of Lev. 11 concerning the distinction between clean and unclean animals is abrogated (cf. Mk 7:19). The Word of God brings all creation back to its original goodness (cf. Gen. 1:25), and there are no obstacles to the birth of the universal Church any longer." [Rossé 2010, 136].

⁸ "When Paul warns the Thessalonians against uncritical acceptance of the prophetic word (1 Th 5:20 ff.), he exhorts them to inquire about the abilities or competence of prophets and teachers. Clearly, by this he neither means an official trial, nor a democratic vote. Rather, the activities of charismatics are to be somehow reviewed (or scrutinized) and accepted by the ecclesial community. Prophets and teachers need to have not only an internal regulative regarding their charismatic preaching, but also an external corrective through

the whole community of the Church and does not indicate any particular authority to which the judgement of prophetic statements should be specifically entrusted. On the other hand, the Thessalonian church is internally structured, there are “representatives (*proistamenoï*) in Christ” whose role is to “admonish” the members of the community (cf. 1 Th 5:12). These representatives evidently had a decisive say in determining the genuineness and truth of the prophetic statements, and whose judgement certainly could not be left out in the process of the common discernment of the charismata.

Contrary to this balanced position we find in Paul’s first Epistle to the Thessalonians, the early Church tended to either overestimate prophetic gifts uncritically or, on the contrary, reserve them solely to those who were holding various offices. The latter case is personified in the bishop and martyr Ignatius of Antioch. In his epistle to the Philadelphians from beginning of the 2nd Christian century, he gives a short parenetic discourse which he describes as being inspired by the Spirit: “But the Spirit proclaimed these words: Do nothing without the bishop; keep your bodies as the temples of God; love unity; avoid divisions; be the followers of Jesus Christ, even as He is of His Father” (IgnFil 7,2b).⁹ As it seems, the ecclesial communities Ignatius addresses in his epistles no longer have charismatics in their midst who make prophecies, or at least they are not worthy of special attention. For example, the charism of purity of the body at a time when bishops were usually married was not, according to Ignatius, intended to be a sting against the exclusive position of a single bishop in an ecclesial community: “If any one can continue in a state of purity, to the honour of Him who is Lord of the flesh, let him so remain without boasting. If he begins to boast, he is undone; and if he reckon himself greater than the bishop, he is ruined” (IgnPol 5,2a).

2. Missionary and Charismatic Work under the Discipline of the Church

The overestimation of the charismatic element and of pneumatic manifestations can be documented above all in the ancient non-canonical Christian

the authority of the reviewing members of the community.” [Mühlsteiger 2001, 780-81].

⁹ The texts of apostolic fathers in: *Ante-Nicene Fathers*, edited by A. Roberts, J. Donaldson, C.A. Cleveland, Christian Literature Publishing Co., Buffalo 1885, <http://www.newadvent.org/fathers/0108.htm> [accessed: 30.11.2023].

writing of the *Didache*, dating probably from the turn of the first and second centuries: “And every prophet that speaks in the Spirit you shall neither try nor judge; for every sin shall be forgiven, but this sin shall not be forgiven” (Did 11:7). Here we witness the first historical attempt to clarify the meaning of Jesus’ logion about the unpardonable blasphemy against the Holy Spirit (cf. Mt 12:31). The prophets of whom the *Didache* speaks are at first itinerant prophets who come to the various churches, stay for a short time, and then mostly leave. In the local churches they receive generous Christian hospitality; nonetheless, there is a danger that the benevolence of the churches can be abused: “But concerning the apostles and prophets, according to the decree of the Gospel, thus do. Let every apostle that comes to you be received as the Lord. But he shall not remain except one day; but if there be need, also the next; but if he remain three days, he is a false prophet” (Did 11:4-5). As regards the members of the church, the Didachist defines the rules for judging and discerning the authenticity of charismatic Spirits by observing their conduct. In particular, the way they deal with money is an important discernment marker of the prophet’s authenticity: “But whoever says in the Spirit, Give me money, or something else, you shall not listen to him; but if he says to you to give for others’ sake who are in need, let no one judge him” (Did 11:12). However, the question is whether there was any decisive instance to authoritatively confirm the discernment of the members of the ecclesiastical community in the cases when the charismatics were dishonest. Evidently, the institution of the prophets at that time had already been in crisis, and the author of the *Didache* felt obliged to warn vigorously against cases of abusing the office: surely, such instances were numerous causing painful experience in the Church. However, the ecclesiastical authorities testifying to the existence of a hierarchical organization of ecclesiastical communities seem no longer have the proper weight, nor possess the necessary unshakable authority. Rather, the Didachist must exhort the faithful to take charge of their appointment: “Therefore, appoint (*cheirotónésate*) for yourselves bishops and deacons worthy of the Lord, men meek, and not lovers of money, and truthful and proven; for they also render to you the service of prophets and teachers” (Did 15:1a). Candidates for both offices must demonstrate these qualifications and, subsequently, the members themselves will choose from among the men who are so endowed. However, the charismatics settled in the ecclesiastical communities still enjoyed greater prestige; thus a special admonition concerning due respect for bishops and deacons

was still necessary: “Despise them not therefore, for they are your honoured ones, together with the prophets and teachers” (Did 15:2).

Of the triad of the charismatic functions *apostles – prophets – teachers* found in the *Didache* (cf. Did 12:18), only teachers are seen qualified for integration into the gradually stabilizing structure of ministries within the local church communities, together with bishops, presbyters, deacons and holders of other offices. In contrast, itinerant prophets and apostles have exhausted their unique initial potential in contributing to the building up of the unity of the whole Church.¹⁰ Within the canon of New Testament literature, it is especially the third Epistle of John which demonstrates how much the ministry of itinerant preachers was valued in the early Church. His addressee, Gaius, is encouraged: “Dear friend, you are faithful in what you are doing for the brothers and sisters, even though they are strangers to you. They have told the church about your love. Please send them on their way in a manner that honors God. It was for the sake of the Name that they went out, receiving no help from the pagans. We ought therefore to show hospitality to such people so that we may work together for the truth” (3 John 5-8). It is clear that this is an itinerant apostolate; nonetheless, one that does not establish new ecclesial communities but enters into the existing churches. In them, however, he may find incomprehension, even disgust: “I wrote to the church, but Diotrephes, who loves to be first (*filoproteuon*), will not welcome us. So when I come, I will call attention to what he is doing, spreading malicious nonsense about us. Not satisfied with that, he even refuses to welcome other believers. He also stops those who want to do so and puts them out (*ekballei*) of the church” (3 John 9-10). There is no concrete evidence that this should indicate any form of discord between the itinerant missionaries and the representative of the hierarchical authority, i.e. the monarchical episcopate. The conflict is depicted more as personal one rather than a one between ecclesiastical authority and the charismata.¹¹ The author of the epistle presents himself

¹⁰ “Finally, it must be considered that, according to the consensual conception of the earliest witnesses, the apostles, prophets, and teachers were a gift and value not to individual communities but to the whole Church. Thanks to them, the scattered Christianity had a bond of unity; and a bond of unity which is often underestimated.” [Harnack 1977, 38].

¹¹ “This does not necessarily mean that Diotrephes intended to usurp the new office; rather, all possibilities remain open, whether it was usurpation or abuse of the office, or a desire for domination or autocracy, ambition, vanity, or hubris.” [Schnackenburg 1963, 327].

as a presbyter (cf. 3 John 1), and considers himself to be an authority to intervene in the case, however, not by a penal measure, but by an admonition.

Nevertheless, opposite cases occurred when new false prophets infiltrated the communion of the believers: "I say this because many deceivers, who do not acknowledge Jesus Christ as coming in the flesh, have gone out into the world. Any such person is the deceiver and the antichrist" (2 John 7). False doctrine is to be recognized by the church communities and its disseminators are not to be received: "If anyone comes to you and does not bring this teaching, do not take them into your house or welcome them" (2 John 10). Refusing admission to a house is both an act of self-defence and a practical exercise in the exclusion of heretics from the communion of the Church. Because of the connection of the Eucharistic meal with the fraternal love feasts (*agapé*) in the early days of the Church, it was especially necessary to protect the Lord's Table from those who would defile it with heretical teaching and morally corrupting behaviour, as it is evidenced in the following warning of in the epistle of Jude: "These people are blemishes at your love feasts, eating with you without the slightest qualm-shepherds who feed only themselves" (Jude 12).

3. Disciplinary Action Outside the Local Church

In the case of itinerant preachers who spread perverted doctrine or led debauched lifestyle, Church communities had to preserve their own identity. A different case is qualified interest of Christians of a particular local church in the internal affairs of another church. This illustrates the Epistle of Clement, dating from the end of the first century, addressed to the believers in Corinth. The apology for the slothfulness of the response to the upheaval in the local church suggests a clear awareness of a special responsibility on the part of the epistle's author, who came from Rome. Clement writes in the plural, on behalf of the entire Roman community, and especially those who have authority in it, i.e. the presbyters. Unlike Paul, who half a century earlier was ready to discipline the Corinthians with a "rod" (cf. 1 Cor 4,21), the Roman community, through Clement, first attempts to gain attention of the Corinthians with a lengthy passage¹² revealing

¹² "Thus, it is not impossible that Clement was *de facto* the foremost and thus the leading bishop among his fellow bishops of Rome, it actually seems very likely. Indeed, the epistle

an attempt at *captatio benevolentiae* where he appreciates their previous merits, with which the present excesses are incompatible (1 Clem 1,2-2,8). The latter consisted in the deposition of legitimately appointed presbyters: “For our sin will not be small, if we eject from the episcopate those who have blamelessly and holily fulfilled its duties. Blessed are those presbyters who, having finished their course before now, have obtained a fruitful and perfect departure [from this world]; for they have no fear lest any one deprive them of the place now appointed them. But we see that you have removed some men of excellent behaviour from the ministry, which they fulfilled blamelessly and with honour” (1 Clem 44,4-6).

Even though Clement had information from only one of the conflicting parties,¹³ it is clear that there must have been a real coup in Corinth; i.e. the validity of the appointment of presbyters or perhaps even the meaning of the office of presbyter itself was questioned.¹⁴ In the Epistle of Clement, the Church of Rome does not call on the Corinthians to exclude the disturbers from the Church, but addresses the disturbers of the unity of the Church and asks them leastwise to leave voluntarily: “Who then among you is noble-minded? Who compassionate? Who full of love? Let him declare, If on my account sedition and disagreement and schisms have arisen, I will depart, I will go away wherever ye desire, and I will do whatever the majority commands; only let the flock of Christ live on terms of peace with the presbyters set over it” (1 Clem 54:1-2).¹⁵ Clement also exhorts to intercessory prayer: “He who is full of love will incur every loss, that peace may be restored to the Church” (1 Clem 54,1a). For him, it is not impossible that the perpetrators of the inner-church revolt will be converted and remain in the fellowship of the Corinthian church: “You therefore, who laid

shows such insight, perspective, and strength that it is hard to imagine that the Roman Church had so many wise and energetic minds and Christian characters at that time, or that Clement shared the representation of the Church with someone else.” [Harnack 1929, 50].

¹³ “Although there is no reason to accuse him of being false, he cannot be considered an objective reporter. Whatever the reasons may be, he is partisan, and therefore Corinthian conditions are presented to us only in the light which he sees and presents.” [Wrede 1891, 8].

¹⁴ “One may conclude that the instigators of the disturbances in Corinth not only claimed a prominent position in the community for themselves, but also fundamentally questioned the very office of the presbyters.” [Klausnitzer 2004, 152].

¹⁵ “The way in which they are encouraged to leave – by appealing to their magnanimity – shows that Clement himself, despite all the sharp invectives, respects them and thus confers a certain dignity upon them.” [Wrede 1891, 36].

the foundation of this sedition, submit yourselves to the presbyters, and receive correction so as to repent, bending the knees of your hearts. Learn to be subject, laying aside the proud and arrogant self-confidence of your tongue. For it is better for you that you should occupy a humble but honourable place in the flock of Christ, than that, being highly exalted, you should be cast out from the hope of His people” (1 Clem 57,1-2).

The question naturally arises as to how it is possible that the Church of Rome, so geographically distant from the Corinthian Church, should interfere in its internal affairs. Nowhere in the epistle can we find even a hint that the Church of Rome seeks to explain why it is intervening in the disciplinary affairs of a such a distant church, instead of the more practically viable option of mutual aid between neighbouring churches.¹⁶ It is quite evident that Rome is fully aware of its responsibility.¹⁷ The evidence for this is the sending of the “delegates” of the Roman community to Corinth, from whom Clement expects heartwarming news of a remedy: “Send back speedily to us in peace and with joy these our messengers to you: Claudius Ephesus and Valerius Bito, with Fortunatus; that they may the sooner announce to us the peace and harmony we so earnestly desire and long for [among you], and that we may the more quickly rejoice over the good order re-established among you” (1 Clem 65,1). The constitution “Pastor aeternus” of the First Vatican Council of 1870, which defined the universal jurisdiction of the Bishop of Rome,¹⁸ thus represents the culmination of a gradual historical process, which, in addition to the mandate and action of the Apostle Peter himself, began with Clement’s documented concern for the situation in Corinth. Canon law then translates this lived reality of the Church from the beginning into its specific language: “The bishop of the Roman Church, in whom continues the office given by the Lord uniquely to Peter, the first of the Apostles, and to be transmitted to his successors, is the head

¹⁶ “Certainly, the primacy of Rome is nowhere explicitly stated; however, there is also no passage that contradicts it.” [Fischer 1964, 12].

¹⁷ „If we take into account the internal relations in the church listed in the title of the epistle, in connection with the fact which it recounts, i.e. Clement’s intervention on behalf of the Roman Church in the internal and disciplinary life of the Church at Corinth, it is clear that this document from the end of the first century shows how the idea of the episcopate and the role of the Roman Church in relation to the other churches was already maturing.” [Maccarone 1976, 4].

¹⁸ Denzinger and Hünnermann 1999, 826 (DS 3054).

of the college of bishops, the Vicar of Christ, and the pastor of the universal Church on earth. By virtue of his office he possesses supreme, full, immediate, and universal ordinary power in the Church, which he is always able to exercise freely” (Canon 331 CIC/83).

4. Rectification Within the Community of the Local Church

The New Testament and other early Christian writings clearly demonstrate that an established community of believers is also in need of internal procedures that would lead its members to proper discipline consistent with the nobility of the Christian vocation. From among the four canonical evangelists, Matthew records the stages of disciplinary procedure in the form of a series of Jesus’ *logia* as it was to be obligatorily practiced by the local churches which his gospel addresses. It is a short series of sayings, commonly referred to as “fraternal correction” (*correctio fraterna*). In fact, these *logia* go far beyond the framework of private relations, as it is the case with the first act: “If your brother or sister sins, go and point out their fault, just between the two of you. If they listen to you, you have won them over” (Mt 18:15). This *logion* – unlike the following – finds its parallel also in the Gospel of Luke (Luke 17:3). Apart from the crucial moment of turning a brother away from sin, what is important here is the confidentiality of such a procedure, which does not shame the sinner publicly.

It is only in the second phase that other outsiders should be brought in: “But if they will not listen, take one or two others along, so that ‘every matter may be established by the testimony of two or three witnesses’” (Mt 18,16). In fact, it is an allusion to the law of witnesses found in the book of Deuteronomy, in which two or three witnesses are required for a just judgement (Dt 19,15), though Paul himself already proves that such a principle has been domesticated in the early Church without explicitly emphasizing its sacred origin. The same moment can be identified in the epistles to Timothy and Titus, where the honoured position of ministers of the Church is particularly emphasized. They are to receive special protection for their honour also by not admitting unfounded denunciations: “Do not entertain an accusation against an elder unless it is brought by two or three witnesses” (1 Tim 5:19). Thus the canon law principle *testis unus, testis nullus*, which does not admit the sufficiency of the testimony of a single witness, has thus been applied in the Church from its beginnings.

In the third stage, the individual's offence becomes a matter for the entire community of the local Church. It is no longer sufficient to have only selected witnesses, who, as mediating instances, were to give due weight to the sinner's conversion: "If they still refuse to listen, tell it to the church (*ekklésia*); and if they refuse to listen even to the church, treat them as you would a pagan or a tax collector" (Mt 18:17). Here the word "church" is to be understood as an assembly of members of the local church, whose primary function in such cases was not to pronounce judgement, but to attempt to persuade the sinner to abstain from his sinful conduct. It is only the subsequent unrepentant stubbornness that will move the community to expel the guilty party, whose depraved conduct can no longer be considered merely a private matter, but a serious offence threatening the healthy growth of the entire Christian community. The strong Judeo-Christian character of Matthew's Gospel is reflected also in the way he identifies the two categories excluded from God's redemptive action: the unrepentant sinner who has disobeyed the voice of the ecclesial assembly acting as a judicial authority is likened to the pagans and the tax collectors.¹⁹

If we take the forensic approach and the whole procedure is conceived as a schematic outline of the various stages of the judicial procedure, it is important to emphasize that the sanction of expulsion from the life of the community is presented only as *extrema ratio*, once the means of pastoral action have been exhausted. Thus, excommunication is primarily seen as a self-purifying mechanism of the ecclesial community, not as an act of vengeance against the guilty party: pastoral discretion is taken both towards the reparable sinner and the community, which obviously cannot tolerate actions that could cause irreparable damage within itself.²⁰

Matthew's recorded *logia* on fraternal correction served as inspiration for disciplinary orders even at a time when the majority church had developed into a form which required punishment of offenders along the vertical lines, without the participation of other representatives of the church

¹⁹ "The term 'heathen' should, from a Christian point of view, have meaning only in a religious sense. In the case of the publican, then, it is a person imaginable only outside the Jewish community." [Trilling 1975, 115].

²⁰ "It is not quite clear wherein the brother's fault should lie. But even if the sin cannot be more precisely determined, the pericope still has something to say. For it shows that Matthew, while reflecting on the ordinary forms of judgement, did so only in order to restore the brother who had erred hat by spiritual and pastoral means, i.e. by exhortation." [Sebott 1993, 170].

community, let alone the possibility of deciding on guilt and punishment together with the superiors. However, religious communities could at least maintain in their practice the immediate inspiration of Jesus' words, as we find them, e.g. in the Rule of Benedict: "If any brother be found to be contumacious or disobedient or proud or murmuring or in any other way out of harmony with the holy rule and despising the precepts of his seniors, let such an one be admonished, in accordance with our Lord's precept, once and again privately by his seniors. If he amend not, let him be publicly rebuked before all. But if even so he be not amended let him be subjected to excommunication (*excommunicationi subiaceat*)."²¹

In the New Testament, the participation of the whole community in the act of excluding offenders from its midst is also attested by Paul himself. He urges the Corinthian Christians to take this extreme step to rid themselves of a member who is "living with his father's wife" (cf. 1 Cor 5:1). In this case, the apostle's written mandate declares excommunication: "For my part, even though I am not physically present, I am with you in spirit. As one who is present with you in this way, I have already passed judgement in the name of our Lord Jesus on the one who has been doing this. So when you are assembled and I am with you in spirit, and the power of our Lord Jesus is present, hand this man over to Satan for the destruction of the flesh, so that his spirit may be saved on the day of the Lord" (1 Cor 5:3-5). As this is an offence which in Paul's eyes is one of the extremely serious ones, the congregation of believers will be present when the punishment is imposed. The effects of the penalty imposed in the Church, however, do not concern the final fate of the condemned, which will only become apparent "on the day of the Lord."²² Nonetheless, the community of the Church must defend itself, and Paul leads them to find courage together, "Expel the wicked person from among you" (1 Cor 5,13b).

However, Paul also exhorts to leniency when the situation requires it: "The punishment inflicted on him by the majority is sufficient. Now instead, you ought to forgive and comfort him, so that he will not be overwhelmed

²¹ *Regula Benedicti*, https://www.solesmes.com/sites/default/files/upload/pdf/rule_of_st_benedict.pdf [accessed: 30.11.2023], 23, 1-4.

²² „The apostle demands that he be excluded from the community (5:13) and clothes his command in a somewhat magical ritual formula. [...] Whatever is meant by the surrender to Satan – it may have been a cursing formula – the important reference is to the judgement of God on the day of the Lord.” [Gnilka 1996, 174].

by excessive sorrow” (2 Cor 2,6-7). The inspiration of this Pauline approach remained present in the Church even at times when excommunications were not spared, as evidenced, for example, by the constitution *Cum in multis* of the First Council of Lyons (1245), which characterizes excommunication as a “healing (*medicinalis*), not death” punishment, intended to “correction, not destruction” [Tanner 1990, 291].

Conclusion

From the beginning the Church had means to strengthen discipline. However, the Church itself operated in a hostile environment of the Roman Empire, which exercised jurisdiction over its members and often resorted to excesses against them. Under these circumstances, one might expect the Christian response to the actions of the pagan state power was going to be one of principled rejection, however, the opposite is true. Paul himself acknowledges the legitimacy of the public authority’s punitive measures against the perpetrators of crimes, including the right to use the sword (*ius gladii*): “For rulers are not a threat to those who do right, but to those who do wrong. Do you want not to fear the ruling power? Act well, and you will receive praise from it. For he is God’s servant for your good. But if you act wrongly, you have reason to fear, for he does not bear the sword in vain; he is God’s servant, the executor of punishment on him who does evil. Therefore it is necessary to submit, not only for fear of punishment, but also for conscience’ sake” (Rom 13:3-5).

Although temporal power operates in accordance with the will of God, all are to submit to it only where it is absolutely necessary.²³ This is why Paul rebukes the Corinthian believers for letting their mutual disputes be settled by secular courts, “If any of you has a dispute with another, do you dare to take it before the ungodly for judgement instead of before the Lord’s people? [...] And if you are to judge the world, are you not competent to judge trivial cases? Do you not know that we will judge angels? How much more the things of this life! Therefore, if you have disputes about such matters, do you ask for a ruling from those whose way of life is scorned

²³ “Even if such a conception of the secular superiors is, from today’s point of view, contrary to the democratic mindset, Rom 12-13 represents the first early Christian attempt to understand the relations of the Church and the State with a conceptually different definition.” [Becker 1998, 456].

in the church? I say this to shame you. Is it possible that there is nobody among you wise enough to judge a dispute between believers? How dare any of you, if he has a dispute with another, go to the pagan judges instead of to the brethren?" (1 Cor 6,1.4-5). Paul is clearly referring to the natural need for internal judiciary in the Church.²⁴ In the end, believers will be entrusted with the eschatological judgement of God Himself, so there is no need at all for them to resort to pagan courts, however highly qualified in order to resolve disputes among themselves. The Epistle of James further defines the reasons for the Christian rejection of secular justice in light of the social stratification of ancient society: "But you have dishonoured the poor. Is it not the rich who are exploiting you? Are they not the ones who are dragging you into court?" (Jm 2:6b).

Thus, ecclesial communities are to be prepared to settle disputes among believers as well as to punish unrepentant sinners. They assess the authenticity of the charismata, accept only confirmed missionaries, and appoint superiors who ensure the observance of ecclesiastical discipline. In the early days of the Church, the concept of the Church as a juridically perfect society (*societas iuridice perfecta*), which possesses all the means to achieve its ends without the need to resort to the help of any other external authority,²⁵ is certainly far from being achieved. However, in terms of internal discipline, the judgement, discernment, and eventual condemnation of the guilty, can the germs of a system that would in the future be fully grasped and regulated by canon law be found already in the early Church.

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²⁴ „In 6:1-11, Paul finds inspiration in the institution of diaspora Judaism, which possessed partial autonomy in the exercise of justice.” [Berger 2011, 582].

²⁵ “The qualification of the Church as a juridically perfect society constituted an appropriate and necessary premise on the basis how canonical jurisprudence treated the legal relationship between Church and State. If the State is *societas iuridice perfecta* in the temporal sphere, the Church is it in the spiritual sphere. Although their spheres of action are fundamentally different, it is possible to establish their legal relationship precisely because, as perfect societies, they are on the same level.” [Dalla Torre 1996, 62].

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