

# **“Binding and Loosing” in Matthew 18:18 and the Mennonite Church Canada 2016 Decision on Sexuality**

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Throughout the ages the Christian church has needed to engage in the challenging task of ethical discernment. Learned theologians, compassionate pastors, and countless gatherings of praying believers have sought out God's will not only in mundane but also in life-threatening situations. In recent decades, Christian bodies across the denominational spectrum have been called to reconsider their traditional positions on same-sex marriage. Many church leaders would concur that it has been one of the most difficult discussions in generations, often very painful and divisive. Many times it has led to a parting of the ways within the faith community.

This essay begins by considering anew the far-reaching mandate that Jesus gave to the church in the Gospel of Matthew: “Truly I tell you, whatever you bind on earth will be bound in heaven, and whatever you loose on earth will be loosed in heaven.”<sup>1</sup> Matt.18:15-20 has often been a reference point when dealing with unrepentant sinners, but it has at its core a just-as-important preceding step, namely that of discerning right from wrong. Before there can be confrontation, repentance, or discipline, there must be agreement on what is the sin in focus. I will start by reviewing the meaning of the binding and loosing terminology of Matt. 18:18 in its literary and social context, concurring with those who suggest that the primary setting of this verse is within the sphere of discernment and the application of the will of God in all matters. In Matt. 18:18 Jesus offers the binding and loosing hermeneutical principle to his followers, named as the church, to aid them in their ongoing discernment and management of sin.

With that as background, I then pose this question: Might the binding and loosing mandate shed some helpful, and perhaps even healing, light onto contemporary discernment processes around committed same-sex relationships?<sup>2</sup> Mennonite Church Canada, a small but major Mennonite

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<sup>1</sup> Matt. 18:18. All Scripture quotations are from the New Revised Standard Version.

<sup>2</sup> Terminology is important in this discussion. While the discernment within the Church around matters of sexuality is larger than same-sex marriage, the latter became the focus

denomination of about 225 congregations, completed such a discernment process, designated as Being a Faithful Church (BFC), in the summer of 2016, and this perhaps provides us with a test case.<sup>3</sup> I say more about the BFC process below. I will contend that even while the multi-year process did not often refer to the binding and loosing mandate, upon analysis it does indeed provide a modern-day example of this hermeneutical principle at work.

In the last part of the essay I point to some ways in which the binding and loosing paradigm of Matt. 18:18 sheds light upon that particular ecclesial process, and conclude that the ancient hermeneutical principle continues to offer a valuable template for the discernment of today’s ethical issues.

### **Matthew 18:18-19 in Its Literary Context**

Matthew 18:15-20, part of the fourth of five major discourses of Jesus in Matthew’s Gospel, is found within the third and final division of the Gospel (16:21-28:20), which recounts the suffering, death, and resurrection of Jesus the Messiah.<sup>4</sup> Chapter 18, describing the nature of the community of “this soon-to-be-crucified-but-risen” Lord, fleshes out one of the significant plot developments in 16:21-28 (Jesus will suffer in Jerusalem; followers must deny themselves and take up the cross).<sup>5</sup> The new community is to be marked by humility (18:1-5), care for the “little” one (18:6-7), perseverance (18:8-9), and concern for the one who has gone astray (18:10-14). Sin is to be identified and confronted, and the sinner dealt with accordingly if there is

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in the Mennonite Church Canada Being a Faithful Church (BFC) process to be considered below. The preferred terminology ultimately used in the BFC discernment was ‘committed same-sex relationships’ and will be the common usage in this paper.

<sup>3</sup> For a full documentation, see the Being a Faithful Church tab on the Mennonite Church Canada website. The discernment process officially ended at the Mennonite Church Canada Assembly in 2016 and the Task Force was decommissioned. In the interest of full disclosure, the author served as a member and co-Chair of the BFC Task Force and was obviously supportive of the final recommendation. The perspectives offered here are personal and not part of the BFC process.

<sup>4</sup> For an analysis of the structure of Matthew, see Jack Dean Kingsbury, *Matthew: Structure, Christology, Kingdom* (Philadelphia: Fortress Press, 1975), further developed by Warren Carter, *Matthew: Storyteller, Interpreter, Evangelist* (Peabody, MA: Hendrickson Publishers, 2004), chapters 10-11.

<sup>5</sup> Carter, *Matthew: Storyteller, Interpreter, Evangelist*, 148.

no repentance (18:15-17). Authority to bind and loose on earth as in heaven is given (18:18). Where two agree about anything they ask, it will be done for them by the Father in heaven (18:19). Where two or three gather in his name, Jesus is there among them (18:20). The immediate literary context of 18:15-20 sounds a note of compassion for the one who has gone astray (18:10-14)<sup>6</sup> and unlimited forgiveness for the one who has sinned (18:21-35). Chapters 19 and 20 continue to describe how this new community is to function.

Several preliminary comments about 18:15-20 are in order, all of them having implications for how to understand the binding and loosing terminology.

It is often noted that the unit, verses 15-20, shows signs of several different traditions compressed together by the Gospel writer. Verses 15-17, immediately following a thought about the deep compassion of the Father in heaven for the lost sheep, outline a process of confrontation of sin and, if need be, discipline. And then verses 18 and 19 are each set aside with the formula “Truly I tell you,” giving a sense of stand-alone statements with their own contextual history apart from the previous verses. We should expect a pre-Matthean context for parts of the text.

Only here in Matt. 18:17 (twice) and in 16:18 (“You are Peter and on this rock I will build my church”) do we find the Greek word “church” (*ecclēsia*) in the Gospels, and on both occasions it is connected to the mandate of binding and loosing. (The NRSV’s earlier “member of the church” in 18:15 is a contemporization of the Greek “your brother.”) The use of the term “church” is a post-Easter description for the community founded by Jesus. Here Matthew is remembering and articulating the mandate given by Jesus for a future time. The mandate is for the church and not just the first disciples.

Commentators generally accept that the phrase “against you” in verse 15, set apart in the NRSV, should be left out of the main text. While it is found in the majority of the Greek manuscripts, it is not found in some of the most dependable ones. Arguments can be given both for and against

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<sup>6</sup> Compare with Luke 15:3-7, where the concern is for the sheep who has never been part of the fold.

including the phrase, making a conclusive decision difficult.<sup>7</sup> Omitting it broadens the concern beyond a personal sin committed against “you” to any sin that offends the community. I conclude that the context suggests that “against you” is an early interpolation, and the implication and teaching of this text should at least be considered in that light.

The Greek verbs in verse 18, *deō* (to bind, to tie up, to bind in chains) and *luō* (to loose, to free, to liberate), are common in the New Testament. But it has long been recognized that this binding and loosing terminology had a significant Semitic context and usage. Here in Matthew 18, no explanation of the terms is offered or apparently needed. The Greek terms are commonly believed to correspond to the Hebrew *ʿāsar* (אָסַר -‘to tie, bind, imprison’) and *hitīr* (הִתִּיר -‘to unfasten, loosen’) and the Aramaic *ʿāsar* (אָסַר -‘to tie, bind’) and *šēraʿ* (שָׂרַא -‘to loose, to release’).<sup>8</sup>

The connection between the “binding and loosing” of Matt. 16:19 and 18:18 and the “forgiveness and retention” of sin of John 20:22-23 raises an interesting discussion. The common structure of four clauses and the conferring of authority by Jesus suggests there might be an affinity between them, but what exactly it is remains unclear. The Greek terms in John (*aphiēmi* = forgive; *krateō* = retain) are not the traditional binding and loosing terms in Matthew. However, Mark 7:8 points to the fluidity of the terms used in John 20. There, when Jesus criticizes the Pharisees, the same Greek words are translated “you abandon (*aphiēmi*) the commandment of God and hold to (*krateō*) human tradition.” Thus, the same Greek terminology used in John 20:23 for forgiveness and retention of sin is used in Mark 7:8 for the broader traditional discerning practice among the rabbis of binding and loosing.<sup>9</sup> The translation found in John should not overshadow Matthew. I will say more about this below.

The authority given to the church to bind and loose is underlined by verses 19 and 20, which declare the presence of the Father in heaven

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<sup>7</sup> Bruce M. Metzger, *A Textual Commentary on the Greek New Testament* (London: United Bible Societies, 1975), 45, doubts that it should be included.

<sup>8</sup> Friedrich Büchsel, “δέω (λύω)” in *Theological Dictionary of the New Testament* [TDNT], Volume 2, ed. Gerhard Kittel (Grand Rapids, MI: Eerdmans, 1965), 60-61.

<sup>9</sup> J.A. Emerton, “Forgiving and Retaining,” *Journal of Theological Studies* 13, no. 2 (Oct. 1962): 325-31, postulates a common Aramaic saying based on Isaiah 22:22, from which it was possible to move from the sense of ‘releasing’ or ‘setting free’ to ‘forgiving of sin.’

and the spirit of Jesus in this holy endeavor of the community. God's own presence and Jesus' spirit will enable this work through the church in future generations.

### **The Social Context for Binding and Loosing in Matthew 18**

1. Undoubtedly there is a Jewish and biblical background to the binding and loosing terminology found in Matthew's Gospel. Duncan Derrett suggests that the metaphor is as old as the Book of Psalms which, for example, speaks of Joseph having been given authority by the Pharaoh to bind and teach his officials (Ps. 105:22).<sup>10</sup> Many commentators see a point of connection between the authority to bind and loose given to Peter in Matt. 16:19 and the management of all the king's domestic concerns entrusted to Eliakim in Isaiah 22:22: "I will place on his shoulder the key of the house of David; he shall open, and no one shall shut; he shall shut and no one shall open."<sup>11</sup> The prerogative of loosing and binding was earlier practiced by the priesthood and by the elders at the gate (Deut. 22:15; Ruth 4:1; Lam. 5:14) but eventually monopolized by the rabbis in later Judaism.<sup>12</sup> As they took over and developed the priestly practice of pronouncing clean and unclean, they began to judge actions as 'tied, bound' or the reverse, 'unfastened, loosened.'<sup>13</sup> In so doing, they stood on traditions going back many centuries.

2. Throughout Christian history, strongly influenced by John 20:23, many have understood binding and loosing in Matt. 18 as giving the church the authority to forgive and retain sin.<sup>14</sup> To whom exactly this authority is given (the Pope as heir to Peter? the Sacrament of Penance? the pastor? a select group of elders? each of Christ's faithful?) and how exactly this might occur has been much debated. Often the authority to forgive sin on God's behalf has been nuanced within Protestant circles to refer to the authority exercised through the preaching of God's forgiveness in Christ (and evidenced by what

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<sup>10</sup> Duncan Derrett, "Binding and Loosing (Matt 16:19; 18:18; John 29:23 [sic])," *Journal of Biblical Literature* 102, no. 1 (March 1983): 114-15.

<sup>11</sup> See Joachim Jeremias, "κλεις," in *Theological Dictionary of the New Testament [TDNT]*, Volume 3, ed. Gerhard Kittel (Grand Rapids, MI: Eerdmans, 1965), 750.

<sup>12</sup> Ibid.

<sup>13</sup> Derrett, "Binding and Loosing," 115.

<sup>14</sup> Michael Patrick Barber, "Jesus as the Davidic Temple Builder and Peter's Priestly Role in Matthew 16:16-19," *Journal of Biblical Literature* 132, no. 4 (2013): 950.

then happens in the earth-bound church community). God’s forgiveness is channeled through the faith community’s redemptive actions.<sup>15</sup> Writes one commentator: “If disciples forgive other disciples’ sins against them, the sins are removed as an obstacle to the community oneness; if they continue to hold onto the sins against them, the sins remain as obstacles to community harmony.”<sup>16</sup>

However, it is doubtful that the binding and loosing of Matt. 18:18 should be limited to the retaining or forgiveness of sin, even though it comes within a larger literary unit dealing with community forgiveness. Rather, the point of these verses is the identification and confrontation of an action commonly accepted as sin, along with a call to repentance and a disciplinary procedure to deal with a failure to bring about communal resolution. Authority is granted to redefine the status of the offender as “a Gentile or tax collector” (18:17), i.e., someone outside the church fold (which might be an act of community shaming yet does not rule out love and mercy, as in the case of the lost sheep). The procedure and the admonition presuppose prior discernment and a semblance of agreement on what is the sin. What happens if the confronted individual maintains that the action is not sin? Moral discernment, while not named in the text, must be a prerequisite before the procedure outlined in 18:15-17 can be put into effect with integrity. Thus, moral discernment and community response to sin are inseparably intertwined.<sup>17</sup>

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<sup>15</sup> Richard B. Gardner, *Matthew: Believers Church Bible Commentary* (Scottsdale, PA: Herald Press, 1991), 285.

<sup>16</sup> C.H. Talbert, *Reading John: A Literary and Theological Commentary on the Fourth Gospel and Johannine Epistles* (New York: Crossroad, 1992), 255.

<sup>17</sup> John Howard Yoder also makes this link between discernment and community response in his work with binding and loosing. See John Howard Yoder, *Body Politics: Five Practices of the Christian Community before the Watching World* (Nashville, TN: Discipleship Resources, 1994), 6; *The Royal Priesthood: Essays Ecclesiastical and Ecumenical*, ed. Michael G. Cartwright (Scottsdale, PA: Herald Press, 1998), 329. While Yoder was perhaps the most well-known Mennonite theologian of the 20th century and his work on Christian ethics helped define Anabaptism, he is also remembered for his long-term sexual harassment and abuse of women. Documentation and discussion of these abuses are found at <http://mennoniteusa.org/menno-snapshots/john-howard-yoder-digest-recent-articles-about-sexual-abuse-and-discernment-2/> and in *Mennonite Quarterly Review* 89, no. 1 (January 2015). I believe there is value in continuing to engage Yoder’s written work, but within the wider context of his

Furthermore, in the literary context of chapter 18, which includes the preceding verses 10-14 and subsequent verses 21-35, Matthew seems to be guarding against any restraining of forgiveness within the community. Why would the church not want to forgive sins? It is to do so “seventy-seven times” (v. 20). Then too, while Jesus claims the power to forgive sins on behalf of God, to the protests of the Pharisees (Mark 2:10 parallel), it is not clear elsewhere in the NT that the apostles practice such unilateral authority.<sup>18</sup>

While forgiveness of sin is the focus of John 20:23, and plays a significant part in the literary context around Matt. 18:15-20, it is not the primary concern of these verses.

3. Several other options for the meaning of binding and loosing are generally dismissed as irrelevant to understanding Matthew 18. Occasionally, for example, commentators propose that binding and loosing refers to exorcism or control of the magical.<sup>19</sup> But in the context of Matthew 18, why would the church want to loose a demon? Others point to the rabbinical practice of retaining or dissolving vows. Again, while shedding light on the process of binding and loosing, the matter of vows is not part of the context of Matthew 18.<sup>20</sup>

4. The rabbinical use of binding and loosing in the context of placing and lifting of a ban is a more likely social context for Matthew’s usage. The Jewish historian Josephus describes with disapproval how the Pharisees during the time of Hasmonean queen Alexandra (c. 70 BCE) were “at liberty to banish and recall, to loose and to bind whomever they would.”<sup>21</sup> Binding

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personal, scholarly, and churchly legacy.

<sup>18</sup> Derrett, “Binding and Loosing,” 115, for example, cites Acts 8:22-24 as an example of the lack of such a unilateral prerogative. The rabbis never claimed such authority; their primary interest was not in forgiving sins but in determining what was or what was not a sin.

<sup>19</sup> Richard H. Hiers, “‘Binding’ and ‘Loosing’: The Matthean Authorizations,” *Journal of Biblical Literature* 104, no. 2 (June 1985): 234-35, argues that “binding” and “loosing” in intertestamental NT writings refer to the binding of Satan and satanic beings, and the loosing of such beings “or their erstwhile victims” (235), but in the end seems to acknowledge that there are other more convincing explanations for the use of these terms in Matthew 18.

<sup>20</sup> Z.W. Falk, “Binding and Loosing,” *Journal of Jewish Studies* 25, no. 1 (1947): 92-100. Vows made under incomplete information, false assumptions, or duress could be absolved. The schools of Shammai and Hillel both accepted the ‘release’ from a vow, but the former was more restrictive than the latter (Falk, 93).

<sup>21</sup> Cited by J. Andrew Overman, *Church and Community in Crisis: The Gospel According to*

and loosing is also associated with such authority in traditions preserved in the Talmud.<sup>22</sup> Interestingly, Jesus criticizes the Pharisees for overzealously binding and thus barring entry into the kingdom (Matt. 23:13)!

5. This notion of including or excluding from membership is closely connected to the authority of discerning, teaching, and defining acceptable behavior. Joachim Jeremias notes that in Rabbinical literature, binding and loosing are almost always used with respect to halakhic<sup>23</sup> decisions, grounded in juridical practice.<sup>24</sup> The terms were associated with what was and was not bound by the Law.<sup>25</sup> Rabbinical decisions properly arrived at by an authentic majority were considered ratified in heaven, and “so are accepted by God as if legislated by himself.”<sup>26</sup> The ongoing rabbinic process creates “the path that one walks,” constantly being fine-tuned and updated through face-to-face contemporary application.<sup>27</sup> This background, in which binding and loosing were commonly associated with the responsibility of determining right or wrong behavior, and of applying the law to specific situations, is most likely the best explanation for Jesus’ use of the terms in Matthew’s Gospel. Mark Allan Powell summarizes:

A majority of scholars now recognize that the terms “to bind” and “to loose” are best understood with reference to a practice of determining the application of scriptural commandments for contemporary situations. . . . Jewish rabbis “bound” the law when they determined that a commandment was applicable to a particular situation, and they “loosed” the law when they determined that a word of scripture (while eternally valid) was

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*Matthew* (Valley Forge, PA: Trinity Press International, 1996): 245. See *Josephus: Complete Works*, trans. William Whiston (Grand Rapids, MI: Zondervan, 1973), 434.

<sup>22</sup> Hermann L. Strack und Paul Billerbeck, *Kommentar zum Neuen Testament aus Talmud und Midrash* (München: 1922), Volume 1, 739-41, cite examples but also note that rabbinical usage is not limited to this.

<sup>23</sup> Halakha (“the path that one walks”) constitute the binding practical application of the 613 commandments (mitzvot) in the Torah subsequently preserved in the Mishnah and the Talmud.

<sup>24</sup> Jeremias, “κλεις,” *TDNT*, Volume 3, 752.

<sup>25</sup> See Barber, “Jesus as the Davidic Temple Builder,” 947, for a number of examples.

<sup>26</sup> Derrett, “Binding and Loosing,” 113; Strack und Billerbeck, *Kommentar zum Neuen Testament aus Talmud und Midrash*, 741-46.

<sup>27</sup> Yoder, *Body Politics*, 5.

not applicable under certain, specific circumstances.<sup>28</sup>

The social context of binding and loosing within Matthew's Gospel, Powell suggests, is the rabbinical application of the law to specific situations. A classic example from the Talmud rules on when a fallen pigeon must be returned (bound to the law of ownership) and when it can be kept by the finder (loosed from the law).<sup>29</sup> Powell notes that for the rabbis (and he suggests for Matthew as well) loosing the law never meant dismissing scripture or countering its authority. "The law was never wrong when it was rightly interpreted. The issue, rather, was discernment of the law's intent and the sphere of its application."<sup>30</sup> In the example of the lost pigeon, the law against stealing is not rescinded, but the rabbis "sought to define stealing in a way that would determine just what behavior was prohibited."<sup>31</sup>

Michael Barber helpfully clarifies that there is actually a confluence of concepts around binding and loosing, including teaching authority, authority over social boundaries, and management of sin.<sup>32</sup> One concept flows into the next. Even if one concludes that Matt. 18:15-17 primarily refers to forgiveness of sin or the use of the ban and excommunication, those are the follow-up and concluding outcome of the preceding discerning authority of binding and loosing. Forgiveness or discipline presuppose prior discernment, teaching, and agreement on the moral standards to be upheld. This may require extensive debate and airing of different views before consensus might come. Thus the broader concern of Matthew 18 is not mere obstinacy on the part of an unrepentant sinner, but moral discernment and the church's role in it. Discernment and community restitution/maintenance are not mutually exclusive but are two sides of the same coin.

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<sup>28</sup> Mark Allan Powell, "Binding and Loosing: A paradigm for ethical discernment from the Gospel of Matthew," *Currents in Theology and Mission* 30, no. 6 (December 2003): 438-45. Powell's work has been significant in the development of my own thoughts on the use of binding and loosing in Matthew's Gospel.

<sup>29</sup> "A fallen pigeon which is found within fifty cubits—lo, it belongs to the owner of the dovecote. If it is found outside of a fifty-cubit range, lo, it belongs to the one who finds it." Baba Batra 2:6. Jacob Neusner, *The Mishnah: A New Translation* (New Haven: Yale Univ. Press, 1988) 561.

<sup>30</sup> Powell, "Binding and Loosing," 439.

<sup>31</sup> *Ibid.*

<sup>32</sup> Barber, "Jesus as the Davidic Temple Builder," 947.

I contend that this indeed is the social context from which to understand Jesus’ use of binding and loosing. Powell gives a number of examples of how Jesus, seeking to fulfil the law and find its true intent, becomes involved in binding and loosing.<sup>33</sup>

- Jesus binds the law prohibiting murder as applicable to anger and insults (5:21-23), and binds the law prohibiting adultery to include lust (5:27-28).
- Jesus binds the prohibition against adultery as applicable to divorce and remarriage (5:31-32; 19:3-9) but also looses his own prohibition in instances of *porneia* (NRSV “unchastity”).<sup>34</sup>
- Jesus binds the prohibition against swearing false oaths to include all oaths (5:33-37).
- Jesus binds loving the enemy to the commandment to love your neighbor (5:43-48).
- Jesus releases plucking grain to relieve hunger from the prohibition of work on the Sabbath (12:1-8).
- Jesus releases performing works of healing on the Sabbath (12:9-14).
- Unlike the Pharisees, Jesus binds the commandment “Honor your father and your mother” to apply to caring for one’s parents in old age (15:3-9), denouncing the Pharisees for voiding the word of God.<sup>35</sup>
- Jesus responds to the question about paying taxes to Caesar in light of the biblical prohibition against idolatry (22:15-22): Should paying tax tribute to a man who claims to be a god be bound or loosed from the law of idolatry?

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<sup>33</sup> Powell, “Binding and Loosing,” 441-42.

<sup>34</sup> See page 15 below for a comment on the rabbinical discussion on divorce and remarriage.

<sup>35</sup> As noted above, the parallel passage in Mark 7:8 is especially intriguing in that it uses the same Greek words as found in John 20:23: “You (*aphiēmi* = abandon/release/forgive) the commandments of God and (*krateō* = hold to/retain) human tradition.”

It becomes amply clear that Jesus was engaged in binding and loosing to clarify God's way for daily life.<sup>36</sup> In Matt. 18:15-20 Jesus in turn gives this authority, in his name, to the church, including the first steps of discernment, naming sin, teaching, and then moving forward into pastoral procedures of managing sin in the community. He gives the church the rabbinical authority to determine what is right and wrong and to act on that basis. Binding and loosing at its heart seeks to implement the will of God in all matters of daily living.

6. Jesus criticizes the Pharisees for binding when they should be loosing and loosing when they should be binding. His words in Matt. 11:28-30 are striking in this context: "Come to me, all you that are weary and are carrying heavy burdens, and I will give you rest. Take my yoke upon you, and learn from me; for I am gentle and humble in heart, and you will find rest for your souls. For my yoke is easy, and my burden is light." The tension lies between "making void the word of God for the sake of human tradition" (15:6) and "condemning the guiltless" (12:7). In navigating that tension, Jesus declares that his intent is to fulfil the law—that is, to cut through to the moral logic of the law, free it from human tradition, and bind it to God's will. In so doing, God's way will be properly applied to contemporary life and to new, yet unforeseen, situations.

What are some of the guiding principles that Jesus uses in this work? Powell notes that central to the binding and loosing that Jesus initiates is a hermeneutic in which scriptures interpret scriptures, and certain scriptural mandates have priority. Among these are the Golden Rule (7:12), favoring mercy over sacrifice (9:13; 12:7), giving priority to love for God and neighbor (22:36-40), and having clarity on the "weightier matters of the law: justice and mercy and faith" (23:23).<sup>37</sup>

More generally, the Sermon on the Mount lays out a number of guiding principles for binding and loosing in the community of Jesus that are

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<sup>36</sup> Again, Jesus was by no means alone in this work of binding and loosing on many matters named in this list. See for example *The Jewish Annotated New Testament* (Oxford: Oxford Univ. Press, 2011) for numerous references to these issues in rabbinical literature.

<sup>37</sup> Powell, "Binding and Loosing" 442. For a brief treatment of Jewish hermeneutics in the first century, see Richard Longenecker, *Biblical Exegesis in the Apostolic Period* (Grand Rapids, MI: Eerdmans, 1975). Of particular interest is the Midrashic interpretation and the guiding rules developed. See 32-38.

fleshed out throughout the Gospel. These include compassion for “the least of these,” humility and meekness, thirst for justice (righteousness), purity in heart, love of enemy, refraining from easy judgment of others that leads to hypocrisy, being light and salt, integrity of word and deed, love for the unlovable, forgiveness, freedom from earthly treasure, radical trust in God, paying attention to the type of fruit that the tree bears, and watchfulness until the end. Truly, Jesus gives a tremendous resource to the church in its task of binding and loosing.

As the manifestation of God’s presence, Jesus claims the rabbinical authority to bind and to loose. He in turn gives that mandate to the church, together with the gift of the Spirit. The authority to do this work is not because his followers are wiser, more pious, or more educated, but because they do the work in the name of Jesus who dwells among them (18:19-20; John 20:22-23).<sup>38</sup> The mandate is given not to individuals to act upon alone or to the clergy and the elite, but to the community gathered in Jesus’ name (18:20).

### **Ecclesial Application of Binding and Loosing**

Indeed, from its inception the church has taken on the task of binding and loosing. Already in the NT documents the church is engaged in this task as it confronts new realities. We see this, for example, with divorce and remarriage. Even before Jesus’ time, divorce was a contentious issue. While the rabbinical school of Hillel took a lenient interpretation of the law of Moses (Deut. 24:1), easily allowing a man to write out a certificate of divorce to his wife, the school of Shammai bound divorce to the law of adultery except on grounds of unlawful sexual behavior.<sup>39</sup> In his answer to the Pharisees in Mark 10:10-11, Matt. 19:3-6, and Luke 16:17, Jesus categorically binds divorce to the law on adultery, presumably in the interest of protecting women from economic hardship and social marginalization. But in Matt. 5:31-32 and 19:7-9, the position of Shammai is re-established, i.e., divorce of the wife is loosed from the law against adultery on grounds of her unchastity (*porneia*). Is this Jesus

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<sup>38</sup> Ibid., 443.

<sup>39</sup> This ruling derives from the passage regarding a certificate of divorce in Deut. 24:1. The NRSV renders the Hebrew term in Deut. 24:1 with the vague “something objectionable.” A more literal translation of the Hebrew would be “a matter of nakedness” (cf. Lev. 18:6ff).

speaking, or the community of Matthew adapting his words?<sup>40</sup> Either way, a particular issue in the Matthean community is evidently being addressed in a new way.

Equally intriguing is the fact that Mark's Gospel, commonly believed to be written for a Gentile Roman audience in which women had the legal right to divorce, adapts Jesus' prohibition against divorce to include women. And the Apostle Paul, writing even earlier, adds another wrinkle when he looses divorce from the law of adultery by unbinding a believer from marriage to an unbeliever "if the unbelieving partner separates" (1 Cor. 7:15). The mandate of binding and loosing is obviously at work within the NT!

Other examples of binding and loosing in the NT community involve fasting and food laws, food offered to idols, Sabbath observance, and male circumcision. With regard to the latter discernment, the Jerusalem Council speaks in the name of the Spirit to release Gentiles from certain expectations of the law (i.e., circumcision), but binds them to other stipulations (e.g., abstaining from foods offered to idols). To what extent was this a conscious process of binding and loosing in fulfillment of the mandate laid out by Jesus in Matthew 18? In all these cases, the issue was not about going beyond Scripture but rather about properly binding and loosing new circumstances.

What might contemporary ecclesial processes look like if they would consciously seek to apply the binding and loosing paradigm?

### **Mennonite Church Canada's BFC Process in Light of Binding and Loosing**

In 2016 Mennonite Church Canada concluded a multi-year discernment process regarding committed same-sex relationships. The process had begun nine years earlier in response to persistent voices from congregations and individuals requesting that the denomination's existing official statements be reconsidered. Among these documents, *The Confession of Faith in a Mennonite Perspective*<sup>41</sup> declares with reference to divorce and remarriage that "God intends marriage to be a covenant between one man and one woman

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<sup>40</sup> Many commentators agree that Jesus probably spoke categorically against divorce, and that the exception clause is added by Matthew. J.C. Fenton, *Saint Matthew: The Penguin Testament Commentaries* (London: Penguin Books, 1963), 309, suggests this is an example of the church practicing Matt. 18:18. See also Gardner, *Matthew: Believers Church Bible Commentary*, 290.

<sup>41</sup> *The Confession of Faith in a Mennonite Perspective* (Scottsdale, PA: Herald Press, 1995), 72.

for life.”<sup>42</sup> An earlier statement on homosexuality in 1986, while repenting of “rejection of those with a different sexual orientation,” understood the Bible “to teach that sexual intercourse is reserved for a man and a woman united in marriage and that violation of this teaching is sin.”<sup>43</sup>

The BFC process consisted of the annual preparation and dissemination of a document with discernment questions made available to local congregations, discussion groups, education classes, and regional and national Assemblies. Feedback and responses determined the content of the next round of discernment. Throughout the process the resources prepared by the Task Force sought to frame the endeavor as a spiritual discernment, grounded in the insight and wisdom of the Christian Scriptures and invoking the presence and guidance of the Holy Spirit. In the opening document author Robert J. Suderman, then General Secretary of Mennonite Church Canada, stated that the Church must always discern, and that when it speaks again it can repeat what it has said before, it can modify what it has said, or it can change what it has said.<sup>44</sup> At the end, in the Assembly of 2016, after hundreds of submissions, thousands of conversations, much emotional discussion and earnest prayer, and one final national Assembly discernment time, a strong majority of delegates from churches across Canada approved a final recommendation. It affirmed the continued use of the Confession of Faith, respectfully acknowledging that some congregations and individuals through study of scripture and their journey of discernment had come to a different understanding of committed same-sex relationships than commonly understood by readings of the Confession; it recommended that space be made to test alternative understandings in the Body to see if they are a nudging of the Spirit of God; and it called for the church to continue in conversation in the implementation of the recommendation.<sup>45</sup>

While the multi-year Mennonite Church Canada BFC discernment did not often make public reference to binding and loosing, a number of the

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<sup>42</sup> Ibid., 72.

<sup>43</sup> *Resolution on Sexuality, 1986*. [www.home.mennonitechurch.ca/1986-resolutiononhumansexuality](http://www.home.mennonitechurch.ca/1986-resolutiononhumansexuality), accessed April 10, 2017.

<sup>44</sup> Robert J. Suderman, “Being a Faithful Church: Testing the Spirits in the Midst of Hermeneutical Ferment,” [www.commonword.ca/FileDownload/21857/BFC-Book.pdf](http://www.commonword.ca/FileDownload/21857/BFC-Book.pdf), accessed April 10, 2017.

<sup>45</sup> “Being a Faithful Church 7: Summary and Recommendation on Sexuality,” [www.commonword.ca/FileDownload/21857/BFC-Book.pdf](http://www.commonword.ca/FileDownload/21857/BFC-Book.pdf), accessed April 10, 2017.

tenets of the ancient rabbinical procedure are clearly at work:

1. We have observed that in the Rabbinic mode, the binding and loosing paradigm assumed that a new dilemma had arisen that needed to be bound to or loosed from previous laws. Individuals brought to the rabbis new circumstances to determine whether or not they should be bound to an existing law. Likewise, the Mennonite Church Canada discernment process began with a request from congregations and individuals for a new consideration of the decisions and teachings around committed same-sex relationships. While some churches and individuals maintained that the “sin” was clear, that there was no need for new discernment, and that the church should continue with community binding and loosing as it had been doing, others argued that the present context puts into question the exact nature of the sin. These voices contended that previous statements and interpretations of biblical injunctions do not speak to the present experience or social reality of loving, committed same-sex relationships. After some years of debate in the local, regional, and national levels, the national Assembly agreed to re-enter a time of discernment. Thus, the discernment process began, as in the rabbinical binding and loosing model, because a significant part of the faith community asked again, “What exactly is the sin we wish to confront?” To be fair, even at the end of the BFC process voices continued to insist that no new discernment on this matter was necessary and the steps of Matt. 18:15-20 simply needed to be applied.

2. The ancient rabbis ruled that there were several grounds upon which one could be released from a vow. Among them was the stipulation that there must be new evidence which put into question the veracity of the vow previously made. Likewise, in offering new *halakoth*, the binding or loosing paradigm was applicable only to situations that brought forward different circumstances or new evidence. This was not to be a backdoor process of abolishing the law.

In regard to Mennonite Church Canada’s discernment around committed same-sex relationships, many voices pointed to these considerations:

a) Broad acceptance of new scientific evidence for sexual orientation as given and not chosen, and the argument that this evidence had not been sufficiently considered in previous rulings. What is the moral logic (intent)

of biblical injunctions of marriage being limited to one man and one woman for life? What was the moral logic in that culture behind the prohibitions against same-sex relations? What does it look like to apply the moral logic of previous rulings in light of new scientific understandings of sexual orientation and same-sex attraction unknown to previous generations? How do we in a social context that accepts these understandings of sexual orientation apply the moral logic of Matt. 19:12, where Jesus seems to allow that not everyone will be able to accept celibacy?

b) The dissonance between, on the one hand, the nature of same-sex relations in focus in biblical prohibitions against same-sex intercourse and, on the other, present questions around loving, committed monogamous same-sex relationships. The new social sexual reality, very different from what earlier generations experienced, had to be considered. Thus there seemed to be grounds to apply the binding and loosing hermeneutic to this discernment matter.

3. In Matt. 18 Jesus gives the mandate of binding and loosing to his followers, named within the text as the church; binding and loosing is envisioned as a churchly process. In the opening paper of the BFC discernment, Robert Suderman spoke of the work as an ecclesial exercise,<sup>46</sup> and this became central in two significant ways. First, participants were reminded that this was not a political process but a spiritual exercise seeking to discern the mind of God for our time. Congregations were encouraged to ground their discernment in the disciplines of prayer, worship, Biblical study, openness to God’s Spirit, and careful listening within the Body of Christ.

Second, BFC was to be a churchly process in the tradition of Anabaptist ecclesiology. Special attention was to be given to a key ingredient of the 16th-century Anabaptist understanding of discernment, in which authoritative Scripture was interpreted by the hermeneutical community of believers through the power of the Holy Spirit.<sup>47</sup> An application of the Anabaptist

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<sup>46</sup> “Being a Faithful Church: Testing the Spirits in the Midst of Hermeneutical Ferment.”

<sup>47</sup> For discussion of the Anabaptist community hermeneutic, see the chapter “Congregational Hermeneutics” in Stuart Murray, *Biblical Interpretation in the Anabaptist Tradition* (Kitchener, ON: Pandora Press, 2000), 157-85; John H. Yoder, “Hermeneutics of the Anabaptists,” *Mennonite Quarterly Review* 41, no. 4 (1967): 291-308; Gayle Gerber Koontz, “Ecclesiology, authority, and ministry: An Anabaptist-Mennonite perspective,” in *The Heart of the Matter: Pastoral Ministry in Anabaptist Perspective*, ed. Erick Sawatzky (Scottsdale, PA: Herald Press,

hermeneutic determined that the decision would not come from the top down, hammered out by a selected group of experts, scholars, or clergy, but instead would be developed by communities of ordinary believers engaging with Scripture and one another with the help of the Holy Spirit. The BFC discernment occurred in local, regional, and national settings of the church in which experts, academics, individuals personally affected, and people of strong persuasions were all invited to participate. Despite this ideal of an inclusive churchly process and thankfully a strong level of participation, not all congregations and individuals felt included in the activity.

Who, in the broad spectrum from the local to the cross-denominational international church, made up the hermeneutical community? While there was an awareness of the watching world—Mennonite, Christian, and beyond—this discernment was limited to the body of congregations committed to covenanting together within the Mennonite Church Canada family. Given these limits, it is as if only one rabbi among many (Mennonite and beyond) pronounced a conclusion. While the discernment involved more than “two or three gathered in my name,” it was only one small family among many. The broader church discernment continues to evolve.

4. While the final recommendation of the Mennonite Church Canada process was supported by a solid majority of Assembly congregational delegates, the decision did not receive unanimous approval either at the Assembly or within local Mennonite churches across the land. Already in the early stages, it became apparent that there would not be national or local consensus on what exactly is the sin to be confronted. Difference of opinion and alternative interpretation of Scripture continues, in the tradition of the distinguished rabbis Shammai and Hillel. The question of how we can best use Scripture in the discernment of our time became a significant study of its own.<sup>48</sup>

The practice of binding and loosing, as in the NT church, does not necessarily lead to easy agreement. (It often took the rabbinical schools several generations to arrive at widely accepted *halakoth*.) The Mennonite

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2004), 60-73.

<sup>48</sup> See Being a Faithful Church 4: “Testing the Spirits in the Midst of Hermeneutical Ferment: Using the Bible in Helpful and Unhelpful Ways,” [www.commonword.ca/FileDownload/21857/BFC-Book.pdf](http://www.commonword.ca/FileDownload/21857/BFC-Book.pdf), accessed April 10, 2017.

Church Canada recommendation acknowledged, with a strong majority, that there is no consensus on what exactly is the sin to be confronted and thus called for creating space for different interpretations. The final report concluded in effect that it is premature to practice the next steps of Matt. 18:15-17, which might lead to the breaking of communion. The fourth point of the recommendation recognized the need for ongoing listening and dialogue.

5. Jesus knew that in applying the mandate of binding and loosing, the community constantly walks a line between “making void the word of God for the sake of human tradition” (Matt. 15:6) and “condemning the guiltless” (12:7). Both of these dangers were voiced throughout the discernment and were respected in the cautious final recommendation, which allows for testing alternative interpretations within the Body. While for some “making space” was seen as abandoning Scripture and the previous Confession, for others it fell short of a full application of justice and mercy for the guiltless.

6. When the rabbis bound or loosed a new circumstance, they never discounted the authority of the law. Jesus also spoke not of abolishing but of fulfilling the intent of the law (Matt. 5:17). For example, his teaching on marriage in Matthew 19 with its exception clause does not annul the law against adultery. “The law is never wrong when rightly interpreted.”<sup>49</sup> Is this reflected in the Mennonite Church Canada binding and loosing process?

The Mennonite Church Canada decision on sexuality did not rescind the Confession of Faith statement that “God intends marriage to be a covenant between one man and one woman for life.” However, the resolution does call for permitting testing spaces for congregations whose study and conscience convict them that new understandings of same-sex orientation and attraction present a new circumstance that must now be bound to or loosed from teachings of Scripture in a new way—in other words, be aligned in a new way to the intent and moral logic of Scripture. In this testing space the laws against promiscuity, rape, and sexual abuse all remain intact for same-sex relationships as they do for heterosexual relationships. Committed same-sex relationships continue to be bound to the law against adultery and to covenantal commitment. But in the context of new understandings of sexual orientation and new social circumstances, loving, committed

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<sup>49</sup> Powell, “Binding and Loosing,” 439.

same-sex relationships could be loosed from the exclusively heterosexual definition of marriage in Article 19 of the Confession. The essence of the law, the covenantal faithfulness of two individuals becoming one kin, might be applied in a new way. The decision on sexuality does not rescind the Confession of Faith statement but calls for making space for communities to test their desire to bind committed same-sex relationships to the same ethic and privilege as that of committed heterosexual relationships. In so doing, new life circumstances might be bound or loosed to fulfill the intent and moral logic of the law and the teaching of Jesus.

### **Conclusion**

This essay has explored the question of whether the binding and loosing paradigm might shed some light on present ecclesial discernment efforts. New moral dilemmas will constantly confront God's people. The Christian church shares with the rabbis of old the never-ending task of implementing the will of God in changing times. In the ancient practice of binding and loosing, the rabbis bound or loosed new moral circumstances to or from the existing relevant teachings and laws. Jesus, too, practiced binding and loosing, and in Matt. 18:18 he passes the task on to the church. Matthew 18 assumes a discernment and naming of sin, and then calls for a pastoral effort to bring about community resolution of the matter. At its best the contemporary church will fulfill Jesus' mandate by continuing this work, which will require intentional process and careful theological guidance. In the end, as in the case of the ancient rabbis, the church might find itself applying Scripture in different ways. The application and understanding of Scripture for new circumstances, after all, sometimes created intense debate among the rabbis for generations before—if indeed ever—they achieved consensus. Still, when the church engages in binding and loosing, it can take much comfort in the fact that it is engaged in the process that Jesus envisioned, even when it doesn't lead to easy agreement. The presence of God and the Spirit of Jesus are to be found in the process, Jesus tells us.

Mennonite Church Canada's discernment process on committed same-sex relationships is one illustration of the ongoing work of binding and loosing that the church must do. It is not a question of leaving the authority of Scripture behind, or even of going beyond Scripture, but of continuing

Jesus’ binding and loosing work through the church.

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